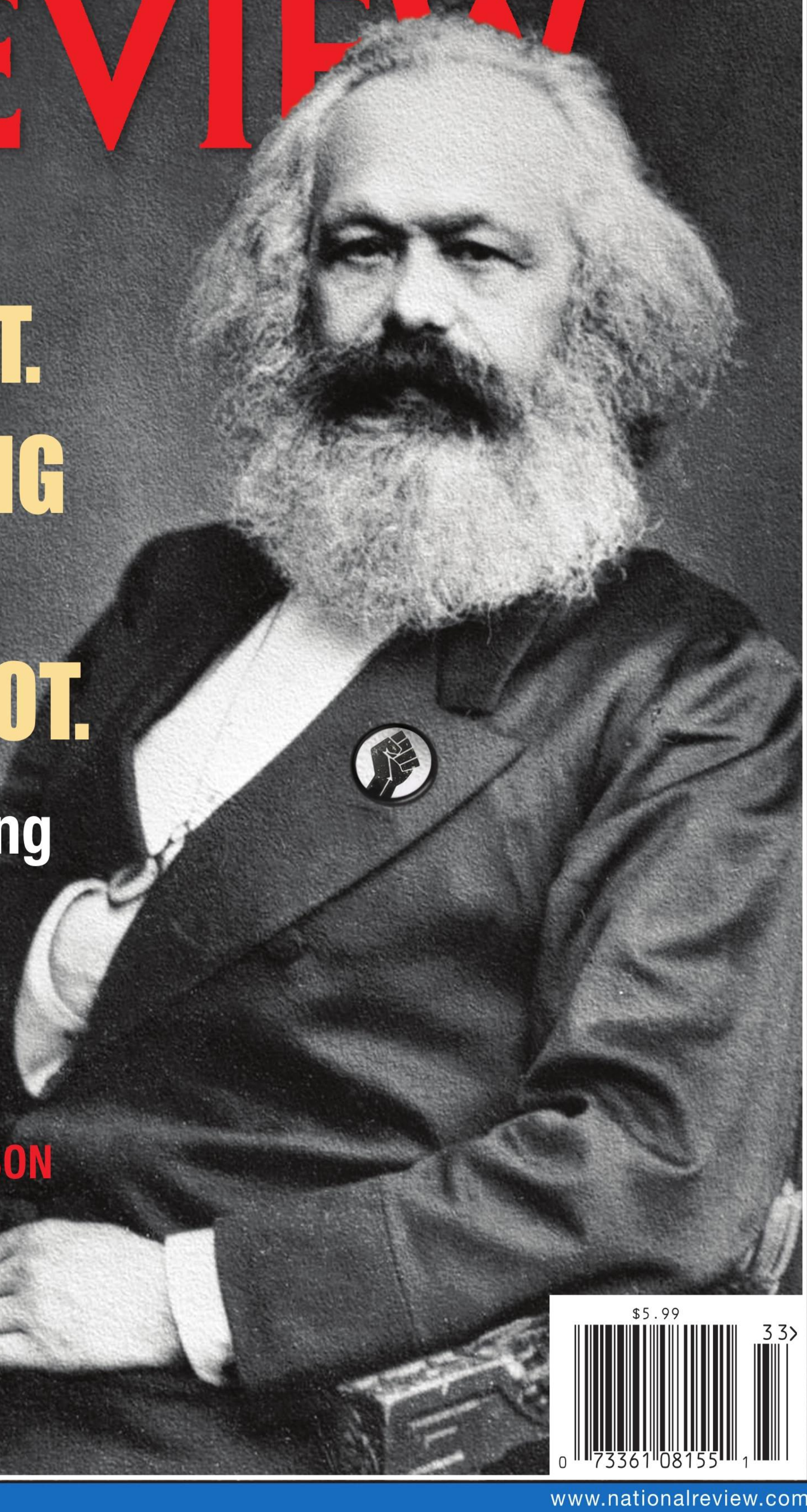
August 24, 2020 $5.99

NATIONAL REVIEW



SOCIALIST. JEW-HATING BIGOT. BLM MASCOT.

On the enduring appeal of Karl Marx

KEVIN D. WILLIAMSON

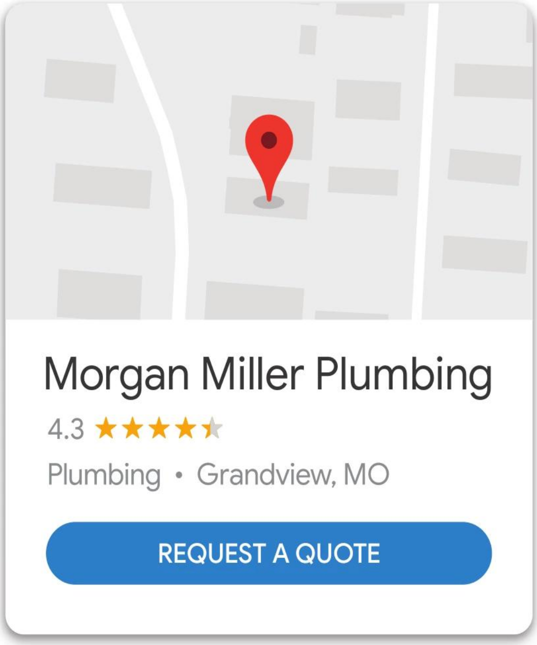
$5.99
33
0 73361 08155 1

www.nationalreview.com

VISIT…

LANZAROTE
Caliente.COM

Helping local businesses adapt to a new way of working


Morgan Miller Plumbing
4.3 ★★★★☆
Plumbing • Grandview, MO
REQUEST A QUOTE

Google

MORGAN MILLER Plumbing
MORGAN MILLER Plumbing

The employees of Morgan Miller Plumbing pride themselves on being a small, tight-knit family, and they treat their customers the same way.

With a free Business Profile on Google, Morgan Miller Plumbing has been able to reach more customers. And while COVID-19 has presented new challenges, they've been able to adapt. More people are contacting them every week, and they're actively looking to hire additional technicians to help meet demand.

Find free resources for your small business at **g.co/smallbusiness**

Contents

NATIONAL REVIEW

AUGUST 24, 2020 | VOLUME LXXII, NO. 15 | www.nationalreview.com

ON THE COVER Page 23

The Celestial Afterlife of Karl Marx

Never mind the socialism, Marx offers up radical anti-individualism, a totalitarian prefiguration of contemporary identity politics, pathological anti-Semitism, the pretense to science, and many other ingredients in the soup of radical politics du jour. And in this meme-addled age, it is worth keeping in mind that Karl Marx, with his big head of hair and Brooklyn beard, makes a pretty good mascot. *Kevin D. Williamson*

ARTICLES

13 **WHY HE'S LOSING** *by Richard Lowry & Ramesh Ponnuru*
How COVID magnifies Trump's flaws.

15 **AFTER THE FILIBUSTER** *by Luke Thompson*
Congress would change in many ways, mostly bad.

17 **THE PAST, PRESENT, AND FUTURE OF THE CONSERVATIVE LEGAL MOVEMENT** *by Carrie Campbell Severino & Frank J. Scaturro*
A lot has changed in 15 years, with hopes for more to come.

19 ***OBERGEFELL* AT FIVE** *by John Hirschauer*
Are we better off?

21 **AN ORDEAL IN PRAGUE** *by Jay Nordlinger*
The removal of a statue and what it entailed.

FEATURES

23 **THE CELESTIAL AFTERLIFE OF KARL MARX** *by Kevin D. Williamson*
Man of letters, Jew-hating bigot, patron saint of Black Lives Matter.

26 **BARR'S GOAL** *by Andrew C. McCarthy*
Above all else, he wants to keep the Justice Department honest.

30 **ORBAN PLAYS WITH FIRE** *by Dalibor Rohac*
Conservative hurrahs for Hungary's Fidesz party are misplaced.

Dalibor Rohac on Hungary's Fidesz party
p. 30

BOOKS, ARTS & MANNERS

35 THAT OLD-TIME RELIGION
Patrick T. Brown reviews Strange Rites: New Religions for a Godless World, *by Tara Isabella Burton.*

36 A WARRIOR IN FULL
Richard Lowry reviews The Scourge of War: The Life of William Tecumseh Sherman, *by Brian Holden Reid.*

38 THE COSTS OF VIRTUE-SIGNALING
Spencer Case reviews Grandstanding: The Use and Abuse of Moral Talk, *by Justin Tosi and Brandon Warmke.*

40 A COMPOSER WHO MATTERS
Jay Nordlinger on the late Krzysztof Penderecki (1933–2020).

42 IT AIN'T A WORD!
Bryan A. Garner on nonwords.

43 A SEMI-STAR IS BORN
Ross Douthat on the career of Dan Stevens.

SECTIONS

4 **Letters to the Editor**
6 **The Week**
33 **Athwart** . . . . *James Lileks*
34 **The Long View** . . . . . . *Rob Long*
39 **Poetry** . . . . *Jessica Hornik*
44 **Happy Warrior** . . . . . *Heather Wilhelm*

NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 19 West 44th Street, Suite 1701, New York, N.Y. 10036. Periodicals postage paid at New York, N.Y., and additional mailing offices. © National Review, Inc., 2020. Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 19 West 44th Street, Suite 1701, New York, N.Y. 10036. Address all subscription mail orders, changes of address, undeliverable copies, etc., to NATIONAL REVIEW, Circulation Dept., P. O. Box 3043, Harlan, Iowa 51593-0208; phone, 800-464-5526 (outside the U.S.A. call 515-247-2997), Monday–Friday, 8:00 A.M. to 9:00 P.M. Eastern time, and Saturday, 9:30 A.M. to 6:00 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified-advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 19 West 44th Street, Suite 1701, New York, N.Y. 10036 or call 212-679-7330. POSTMASTER: Send all UAA to CFS (see DMM 707.4.12.5); NON-POSTAL AND MILITARY FACILITIES: Send address corrections to NATIONAL REVIEW, Circulation Dept, P.O. Box 3043, Harlan, Iowa 51593-0208. Printed in the U.S.A. RATES: $59.00 a year (24 issues). Add $24.00 for Canada and $48.00 for other foreign subscriptions, per year. The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped, self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors.

A YOUNG AMERICA'S FOUNDATION CONFERENCE

Are You Sick of the Government Telling You How to Live Your Life?

Young America's Foundation's
High School Free Enterprise Leaders Conference

September 18 & 19, 2020 • Washington, D.C., Capital Area*

YOUNG AMERICA'S
FOUNDATION

Cost: Only $45!**

***The conference will be held at YAF's national headquarters in Reston, Virginia, located outside of Washington, D.C.**

****The registration fee includes tuition, materials, hotel room for Friday and Saturday nights, and four meals. Application is subject to confirmation. Requests for travel assistance will be considered on an individual basis.**

Hear from free market experts, including...

Magatte Wade

Brian Brenberg

Dr. Antony Davies

Dr. Anne Bradley

This unique, life-changing program is designed specifically for high school students as a "crash course" in business and economics. No prior knowledge or involvement in these areas is required to attend.

You have the opportunity to join the organization that has worked with President Ronald Reagan, Prime Minister Margaret Thatcher, Nobel Prize-winning economist Milton Friedman, renowned professors Walter Williams and Arthur Laffer, and business leaders Steve Forbes and Andy Puzder.

- ★ **Learn** key business and economic ideas
- ★ **Interact** with top business leaders and economic experts
- ★ **Participate** in training on effective activism strategies
- ★ **Meet** and network with like-minded students
- ★ **Become** a leader at your school
- ★ **Gain** access to valuable resources

For more information on this and other conferences, please visit **YAF.org** or contact Director of Conferences **Jolie Ballantyne** at **jballantyne@yaf.org** or **800-USA-1776**.

The Reagan Ranch Center • 217 State Street • Santa Barbara, California 93101 • 888-USA-1776
National Headquarters • 11480 Commerce Park Drive, Sixth Floor • Reston, Virginia 20191 • 800-USA-1776

YOUNG AMERICA'S FOUNDATION
www.yaf.org

NATIONAL
REVIEW

AUGUST 24 ISSUE; PRINTED AUGUST 6

EDITOR IN CHIEF
Richard Lowry

Senior Editors
Richard Brookhiser / Jay Nordlinger
Ramesh Ponnuru / David Pryce-Jones
Managing Editor Jason Lee Steorts
Literary Editor Katherine Howell
Vice President, Editorial Operations Christopher McEvoy
Executive Editor Mark Antonio Wright
Roving Correspondent Kevin D. Williamson
Washington Correspondent John McCormack
National Correspondent John J. Miller
Senior Political Correspondent Jim Geraghty
Art Director Luba Kolomytseva
Deputy Managing Editors
Nicholas Frankovich / Fred Schwarz
Production Editor Katie Hosmer
Assistant to the Editor Stacey Brody
Research Assistant Justin D. Shapiro

Contributing Editors
Shannen Coffin / Matthew Continetti / Ross Douthat
Daniel Foster / Bryan A. Garner
Roman Genn / Jonah Goldberg
Arthur L. Herman / Yuval Levin
James Lileks / Rob Long / Andrew C. McCarthy
Reihan Salam / Andrew Stuttaford

NATIONAL REVIEW ONLINE
Editor Charles C. W. Cooke
Managing Editor Theodore Kupfer
Senior Writers
Michael Brendan Dougherty / David Harsanyi / Dan McLaughlin
Staff Writers
Alexandra DeSanctis / Madeleine Kearns
Critic-at-Large Kyle Smith
Policy Writer Robert VerBruggen
National-Affairs Columnist John Fund
Associate Editors
Jack Butler / Jessica Hornik Evans / Molly Powell
Sarah Schutte / Nick Tell
Content Managers
Kelvin Morales / Kathy Shlychkov / Katie Yoder
Web Producer Scott McKim
News Editor Jack Crowe
News Writers
Brittany Bernstein / Zachary Evans
Tobias Hoonhout / Mairead McArdle

EDITORS-AT-LARGE
Kathryn Jean Lopez / John O'Sullivan

BUCKLEY FELLOWS IN POLITICAL JOURNALISM
Cameron Hilditch / Jimmy Quinn

THOMAS L. RHODES FELLOW
Daniel Tenreiro

Contributors
Hadley Arkes / Chester E. Finn Jr. / Neal B. Freeman
Charles R. Kesler / Tracy Lee Simmons / Terry Teachout

Vice President Jack Fowler
Chief Financial Officer Tom Kilkenny
Accounting Manager Galina Veygman
Accountant Vicky Angilella
Director, Circulation & Programs Danielle O'Connell
Director, Revenue Operations James Doolin
Director, Marketing & Growth Strategy Sarah M. Mendenhall
Audience Development & Community Manager Kristin Veltry
Manager, Office & Development Russell Jenkins
Executive Assistant to the Publisher John Bush

Director, Sales Jim Fowler

PUBLISHER
E. Garrett Bewkes IV

CHAIRMAN
Dale R. Brott

FOUNDER
William F. Buckley Jr.

NATIONAL REVIEW INC. BOARD
Dale R. Brott
John Hillen
James X. Kilbridge
Rob Thomas

Letters

The Mermaid's End

Contrary to The Week (July 27), the Little Mermaid does not "live happily ever after" in the tale told by Hans Christian Andersen. The original tale is much stranger than the Disney adaptation. Because she refuses to commit a murder in order to save herself, the Little Mermaid goes to her death, expecting oblivion. But because she has won the love of a human, her corporeal life is succeeded by something like 300 years of sympathetic purgatory: "The daughters of the air fly unseen into the dwellings of men, where there are children. . . . Whenever we smile with joy at seeing such a good child, a year is struck. But when we see a naughty, wicked child, we must weep bitter tears of sorrow, and every tear prolongs our time of trial by one day!"

John D. Flanigan
Winchester, Va.

Grandma's Complaint

Joseph Epstein's review "Philip Roth & Friend" (July 27) made me recall an incident from my youth. Shortly after publication of *Portnoy's Complaint*, I was visiting my grandmother, a Jewish woman in her seventies at the time, and saw a copy of the book on her nightstand. I asked her what she thought of it, and her reply was, "Somebody needs to give that Mr. Roth a swift kick in the a**." That remark inspired me to read the book, and it turned out Grandma was right.

Marshall Kapp
Tallahassee, Fla.

The Rise of Hong Kong

Contrary to NATIONAL REVIEW's The Week (August 10), Hong Kong did not manage to become a global hub of trade and finance in an autonomous region under China's purported "one country, two systems" policy. Hong Kong achieved that status while it was under British control, long before the British ceded it to China. The "one country, two systems" policy enabled the city to maintain its commercial and financial status only temporarily, as the supposed policy clearly was only a pretext, a fictitious and transitory fig leaf, for the British abandonment of the city and its people.

Peter E. Taussig
Lake Oswego, Ore.

Correction

In his story on One America News Network ("Don't Watch One America News Network," August 10), Jack Butler asserted that host Greta Wall interviewed conspiracy theorist and wannabe congressional candidate Laura Loomer on her show *Wall to Wall*. The interview did appear on the network, but Wall herself did not conduct or air the interview. We regret the error.

Letters may be submitted by email to letters@nationalreview.com.

Trump's *BLITZ*

Buckle up — 2020 will be the political ride of your life!

Ever since he first announced his presidential quest — after coming down the escalator of New York's Trump Tower — the media, the establishment, and his critics in both parties belittled, demeaned, mocked, and even laughed at Donald Trump.

But the billionaire has had the last laugh and will again in 2020. And, as David Horowitz reveals in his just-released ***BLITZ***: *Trump Will Smash the Left and Win*, Trump has been — and will continue to be — the Democrats' worst nightmare.

BLITZ reveals the attacks made against Trump have been the most brutal ever mounted against a sitting president of the United States.

Horowitz shows that their very attacks — targeting a man whose mission has been to "Drain the Swamp" and "Make America Great Again" — backfired.

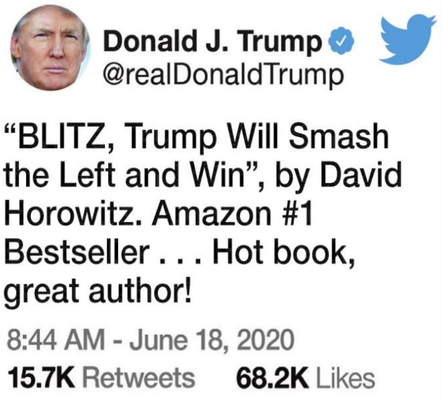
In ***BLITZ*** you'll discover the left's terrifying socialist agendas as you've never seen them before.

In ***BLITZ*** you will find shocking revelations:

- ✔ **The 9 biggest dangers to America the left poses — their agenda will blow your mind.**
- ✔ Show me the money: names of the billionaires and fat cats out to get Trump.
- ✔ **How patriotism suddenly became "white nationalism" linking Trump to Hitler and the KKK.**
- ✔ Why Trump is at the nexus of the left's secularism and hate pushed against Christians.
- ✔ **Why every effort to demonize Trump and his supporters is backfiring.**
- ✔ Obama's agenda: how the former president casts a much greater shadow over Trump's political woes than you ever imagined.
- ★ **Hillary is not gone! *BLITZ* shows the "revenge" role she plans for Trump.**
- ✔ The Genius: Trump's brilliant strategy has worked and will continue to work — why he'll be president again in 2021!

The effort to remove and destroy our duly elected president may be the greatest challenge America has faced since the Civil War, explains Horowitz.

Read President Trump's Tweet Endorsing BLITZ:

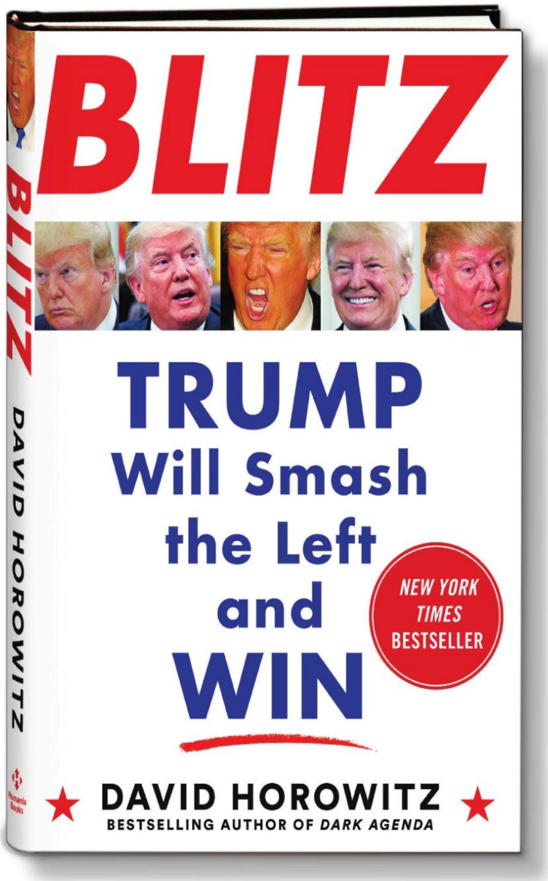


Donald J. Trump
@realDonaldTrump

"BLITZ, Trump Will Smash the Left and Win", by David Horowitz. Amazon #1 Bestseller . . . Hot book, great author!

8:44 AM - June 18, 2020

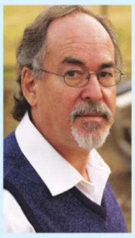
15.7K Retweets **68.2K** Likes



Buzz on *BLITZ*

Donald Trump Jr.:
"If you're interested in debating deranged liberals with facts, you won't want to miss this latest book."

Mark Levin:
"David Horowitz has written an indispensable book, *BLITZ*, explaining why today's Democrats are so dangerous and why President Trump is their nemesis."



DAVID HOROWITZ is not just any author. Once a radical liberal, he turned on his far-left friends when he saw their real motives. He soon became a noted conservative and author.

His ***New York Times*** bestseller ***Big Agenda: President Trump's Plan to Save America*** was written *before Trump was elected* — so certain was Horowitz of Trump's victory.

Now, Horowitz is so certain Trump will win reelection in 2020, he's written ***BLITZ***.

FREE OFFER!

BLITZ retails for $30 at bookstores everywhere, but Newsmax has an incredible FREE Offer!

Check it out today:

Online: Blitz711.com/Review2

Toll-free: 1-800-216-0432

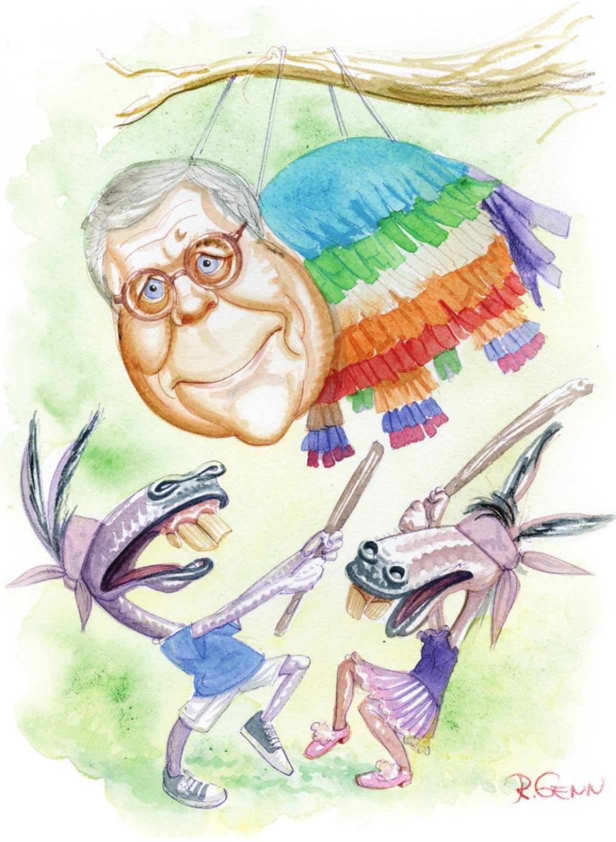
The Week

■ In memory of the late Herman Cain, please join us in saying nine Hail Marys, nine Our Fathers, and nine Glory Bes.

■ As the campaign rounds the clubhouse turn, a group of touts are busily sowing the homestretch with nails—Never Republicans, enemies of Donald Trump who seek to defeat not just him (he is doing a capable job of that unassisted) but all other Republicans too. In their view the GOP, like the village in the Vietnam War, must be destroyed in order to be saved. The eminence among them is George Will, journalistic treasure and longtime friend of NR. They do not consider that a hollowed-out party would be even more likely to remain in the hands of an aggrieved Trumpist rump. They ignore besides the example of two Republicans. Abraham Lincoln began life in a party that failed, the Whigs. He never raised a hand against it, staying with it loyally to its end. A century later Ronald Reagan enounced the Eleventh Commandment: Thou shalt not speak ill of a fellow Republican. Trump is a corsair, with no more loyalty to the GOP than someone who rents a car from Hertz. It is one more way his critics should not emulate him.

■ Joe Biden says he wants equality. Who could be against that? But when politicians talk about inequality, watch your wallet—and the Constitution, too. Biden's elephantine race-and-gender equality plans are a potluck of 1970s rehashes and cutting-edge progressive lunacy, with heaping side orders of federal spending and racial classifications. Biden would pretend the Equal Rights Amendment has already been ratified (even Ruth Bader Ginsburg rejects this contention) and ratify the radical-feminist U.N. Convention on the Elimination of All Forms of Discrimination Against Women. He wants $7 trillion in new spending, including $2 trillion on a Green New Deal. He would restore funding for Planned Parenthood, restart the legal assault on the Little Sisters of the Poor, revive unilateral Obama orders on asylum, and raise the minimum wage to $15 for waiters, plus tips. Biden believes the Fed, instead of focusing on sound money and stable banks, "should aggressively enhance its surveillance and targeting of persistent racial gaps in jobs, wages, and wealth." An unelected body that puts "racial" and "surveillance" in the same job description should alarm anyone. The mask of the Biden campaign is the candidate's supposed centrism. The reality is more than America can afford.

■ Reopening schools for in-person instruction this fall should be a priority, but it will not be possible everywhere, and difficult judgments will have to be made. Many parents will be outraged if a school system seems to be dragging its feet, but the outrage would be stronger still if schoolchildren cause a deadly outbreak. Evidence is limited, since we did not conduct a controlled experiment about the spread of the disease among schoolkids this spring. We can say, however, that a rational policy is being undermined by the brazen opportunism of teachers' unions. The Los Angeles union says that schools can reopen if there is a moratorium on charter schools and Congress passes Medicare for All. It has also been seeking limits on how long teachers should have to work online. A union official in Miami-Dade County told the *New York Times* that teachers might not perform well online out of discomfort at sharing images of their homes. One side-effect of COVID-19 may be bringing home to more Americans that the teachers' unions don't represent the interests of children.



ROMAN GENN

■ "Largely peaceful" has become an absurd journalistic trope denoting protests that descend into violence. Portland, by this way of thinking, has been largely peaceful for weeks now—peaceful protesters show up at the federal courthouse and eventually dissipate, then later in the night black-clad anarchists arrive to try to burn the place down and assault the federal officers guarding it. In response to the mayhem, the Trump administration sent additional forces to protect the building and arrest people breaking the law. This caused outrage among Democrats, who—as the House Judiciary Committee hearing with Bill Barr amply demonstrated—have looked past the violence of the rioters, and instead focused all their ire on the federal officers. Now, a deal has been struck between the feds and Oregon. The federal officers will pull back, assuming that the Oregon state police maintain order. If they can actually keep the streets around the courthouse peaceful, rather than largely peaceful, it will be a win-win.

■ Barack Obama stole the show from the deceased at Representative John Lewis's funeral by demanding statehood for Puerto Rico and D.C. and an end to the Senate filibuster, which he branded a "Jim Crow relic." Never mind that unlimited debate in the Senate predates Jim Crow by over a century; he's rolling. The hypocrisy is pungent: As a senator, Obama tried to filibuster Samuel Alito's Supreme Court nomination and blasted Republicans for even considering limiting the filibuster. It was wrong, he said, "for one party . . . to change the rules in the middle of the game so that they can make all the decisions while the other party is told to sit down and keep quiet." "An end to democratic debate," he lectured us then, would mean that "the fighting and the bitterness and the gridlock will only get worse." Indeed. The filibuster is democracy's sobriety checkpoint, preventing the passage of new, often permanent nationwide legislation without the building of either large partisan majorities or bipartisan coalitions. Laws that surmount those obstacles—such as the civil-rights laws of the 1960s—are apt to prove durable. Besting the filibuster takes time, persuasion, and deliberation. Since when are these bad things?

■ The Cato Institute published a national survey showing that self-censorship and partisan cancellations are becoming the new normal. Some 62 percent of citizens say the polarized climate in 2020 prevents them from stating things they believe to be true lest they cause offense. In 2017, this number was 58 percent. More unsettling, among strong liberals, 50 percent say they support firing Trump donors, while 36 percent of strong conservatives say they support firing Biden donors. Among Republicans with postgraduate education, 60 percent fear they would lose their job if they expressed an unpopular political view. We are bringing back the "silent majority"—this time fearful rather than merely taciturn.

■ Police in Washington, D.C., arrested two pro-life demonstrators who were part of a group writing "Black preborn lives matter" in chalk on the public sidewalk in front of a Planned Parenthood clinic. According to the groups that organized the demonstration, D.C. had issued a permit allowing them to paint the message, though the city's Department of Transportation hasn't confirmed that. Earlier this summer, D.C. mayor Muriel Bowser herself commissioned a painting of the slogan "Black Lives Matter" on the street just outside the White House. Shortly thereafter, city officials permitted protesters to paint the slogan "Defund the police" right beside Bowser's slogan. If the city did indeed issue the pro-lifers a permit, the arrests were an egregious abuse of authority. If the city didn't issue the permit, its failure to do so was an example of illegal viewpoint discrimination. The demonstrators were defending equal rights, and deserve them.

■ Where the law fades, new authorities will try to replace it. Black Lives Matter activists have been presenting demands to a number of businesses in NuLu, a business district in downtown Louisville, Ky., that has been the focus of long-running bitterness over gentrification. Louisville was also where EMT technician Breonna Taylor was killed by police during a "no-knock" raid in March. According to the Louisville *Courier-Journal*, the demands included hiring a percentage of staff in line with the African-American share (23 percent) of Louisville's population. The businesses were also to agree to purchase 23 percent of their inventory from black-owned retailers (or pay a monthly donation equivalent to 1.5 percent of sales to local black nonprofits). Their staff would have to undergo "diversity and inclusion training." The businesses would also have to "display a visible sign that increases awareness and shows support for the reparations movement." For those who had not earned the right to display this badge, "repercussions for non-compliance" were detailed. A good number of businesses have gone along, but Cuban-American restaurateur Fernando Martinez, who was born and raised in Cuba and knows a thing or two about authoritarianism, declined to sign up, posting on Facebook that "there comes a time in life that you have to make a stand and you have to really prove your convictions and what you believe in." Now we'll have to see what Louisville believes in.

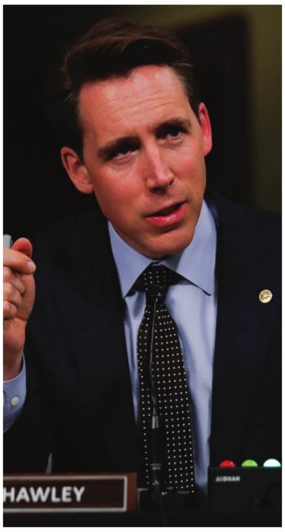
■ Two issues ago, we opined on the nomination of Anthony J. Tata to hold the top policy job in the Pentagon. Tata is a retired Army general who turned Fox News commentator. We recommended that President Trump nominate someone else. Not only Democratic senators but Republican ones too questioned the judgment of someone who once tweeted, for example, that Barack Obama was "a terrorist leader." Senate Republicans delayed a hearing on the nomination. So Trump appointed Tata to a job in the same Pentagon office that does not require Senate confirmation. What Tata will be doing is not entirely clear. "This is a flagrant end run around the confirmation process," one Democrat, Senator Jack Reed (R.I.), fumed. A perfectly legal one, yes, but a violation of the spirit of our system.

■ The *New York Times* reported that our ambassador to the United Kingdom, Woody Johnson, "told multiple colleagues in February 2018 that President Trump had asked him to see if the British government could help steer the world-famous and lucrative British Open golf tournament to the Trump Turnberry resort in Scotland." The paper further reported that our deputy ambassador, Lewis A. Lukens, had emailed the State Department, relating what had happened. President Trump flatly denied that he had ever spoken to Johnson about Turnberry. We wish we could accept the denial at face value—but Trump has never quite learned the separation of government and personal business.

■ Critics of corporate bailouts have long argued that having politicians "pick winners and losers" in the marketplace is a near-guarantee of corruption—and here comes Larry Householder, offering proof. Householder, the speaker of the Ohio state house, has been arrested on federal corruption charges. Four Republican allies and a nonprofit, Generation Now Ohio, also face charges in the racketeering investigation. At issue was a $1 billion bailout for a failed nuclear-power business involving two plants owned by FirstEnergy Solutions of Akron. Householder and Republican colleagues led the way on that bailout, and federal prosecutors say they did it for some $60 million in payments laundered through a phony nonprofit. If there is any good news in the Householder case, it is that old-fashioned investigative work can still root out conspiracies of this nature. Corruption in state-level party organizations is a longstanding problem, and among those charged in the Householder affair is Matthew Borges, former chairman of the Ohio Republican Party. Political corruption is an attack on the foundations of self-government, and, if convicted, Householder et al. should face the harshest punishment offered by the law.

■ During the House Judiciary Committee's antitrust hearings, Matt Gaetz (R., Fla.) asked Amazon CEO Jeff Bezos why the company uses the Southern Poverty Law Center to help determine which organizations can receive donations through the AmazonSmile charity program. The SPLC has repeatedly beclowned itself by slandering conservative individuals and nonprofits and mainstream Christian ministries as hate groups and extremists. Among the smeared have been the Alliance Defending Freedom, the Family Research Council, and HUD secretary Dr. Ben Carson. "I'm going to acknowledge this is an imperfect system," Bezos replied. "I would love suggestions on better or additional sources." In this case, subtraction should be the first step.

■ Following the economic statistics too closely this year will induce whiplash. That's because the economy is stopping and starting in response to trends in the spread of coronavirus, and because the statistics are often snapshots of the economy's performance from a few weeks or months ago. The statistics are also reported in unhelpful ways. All of this came together on the release of the news that the economy had contracted by 9.5 percent in the second quarter, with media outlets hyping it as an "annualized rate" of 32.9 percent. The truth is bad enough: The economy is very weak and will remain so until people feel safe enough to resume normal economic activity on a sustained basis. Discount scary numbers that reflect the past, and discount as well signs of rapid recovery until they have lasted a while.



CARLOS BARRIA/POOL/GETTY IMAGES

■ Senator Josh Hawley (R., Mo.) says that he won't vote for any Supreme Court nominee unless he has said in public that *Roe v. Wade* was wrongly decided. There is nothing in principle wrong with his conditioning his vote on such a declaration, and a lot right with it: *Roe* was an act of raw judicial power, as Kennedy appointee Byron White said at the time, unmoored from the text, original meaning, history, purpose, and structure of the Constitution. Senators ought to evaluate judges on, among other things, whether they will embrace absurd constitutional interpretations that usurp power for themselves. In that way, senators can serve as checks on that power. The prudential difficulty is that a nominee inclined to oppose *Roe* may not be able to be confirmed if forced to declare a position. Justice Clarence Thomas, the only justice on the Court who has clearly stated his opposition to *Roe*, would not have been confirmed if he had said it before the Senate vote. Neither would Justice Brett Kavanaugh, who has voted to uphold restrictions on abortion. Justice Neil Gorsuch might not have made it. Moreover, a commitment that *Roe* was wrongly decided isn't the same as a commitment to overturning it. The senator's frustration is amply justified, his tactic misguided.

■ Trump said that he would ban the popular video-sharing app TikTok—but a few days later he reversed course, giving Microsoft until September 15 to strike a deal to buy it from ByteDance, the app's Chinese parent company. TikTok's American employees claim that the app's user data stays in Singapore and the U.S. However, ByteDance's well-documented collusion with the Chinese Communist Party has convinced the likes of Chuck Schumer and the Biden campaign that TikTok cannot be trusted. A "ban" by itself would not be foolproof—unless the U.S. government restricted Web traffic to the app. Barring that drastic move, facilitating TikTok's acquisition by an American company would be a victory in the strategic competition with China. To completely eliminate any security threat, the Trump administration must make sure that Microsoft brings all of the app's operations back to the United States. This would be no small feat, but Microsoft has the resources for it. The administration has been right to work to neutralize this potential threat (even if the president has muddied the waters by demanding, absurdly, that Microsoft pay off the U.S. Treasury as part of any deal). According to Mike Pompeo, the administration might focus on the Chinese messaging app WeChat next. There's more work to do in countering Beijing's long reach into cyberspace.

■ The Trump administration has indicated that it may be willing to waive the death penalty in the event of the successful prosecution of two British-born Islamic State terrorists—Alexanda Kotey and El-Shafee El-Sheikh—whom our military has detained in Iraq. Among the victims of the ISIS cell, nicknamed "the Beatles" for their London accents, were Americans James Foley, Peter Kassig, Steven Sotloff, and Kayla Mueller, who were barbarically tortured, raped, and beheaded, along with 23 other Western hostages. After Kurdish forces captured the terrorists, the British Home Office feared that various legal restrictions might cause Kotey and El-Sheikh to walk free if their prosecution was attempted in the U.K. For that reason, the pair were stripped of their citizenship, and then–attorney general Jeff Sessions agreed for them to be extradited to the U.S., where, pending a successful prosecution, capital punishment could be used. In March of this year, however, the U.K. Supreme Court found in favor of one of the terrorists' mothers, ruling that due to European human-rights laws, the British government could not share intelligence about the men unless the U.S. agreed to forgo the death penalty. Only the Department of Justice knows whether or not it has enough evidence to prosecute the pair without the U.K.'s help. If they do not, however, then waiving the death penalty is the fastest way to bring them to justice and ought to be pursued.

■ One could be forgiven for believing that the Chinese government would at least attempt to cast its takeover of Hong Kong as a national-security measure. Mainland officials say that the new Hong Kong security law, under which they have arrested people for possessing banners that say "Hong Kong Independence," is intended to combat terrorism and sedition. As if to put the lie to that claim definitively, Beijing has delayed elections for Hong Kong's Legislative Council by a full year.

A NEW INITIATIVE.
A BOLD COLLABORATION.

NATIONAL REVIEW
CAPITAL MATTERS
SPONSORED BY NATIONAL REVIEW INSTITUTE

Free markets are under more dangerous attack, whether legislatively or intellectually, than they have been for decades. With every sign that this attack is going to intensify in the years to come and few signs of an effective pushback, *National Review* is pleased to announce the formation of **Capital Matters**, a new section on **NATIONALREVIEW.COM**, which will feature articles on business, finance, and economics. In the same spirit that led William F. Buckley Jr. to found *National Review*, NRI is proud to collaborate on this new project to explain, defend, and celebrate capitalism. Through timely commentary from well-known financiers, economists, entrepreneurs, business people, and other specialists, coupled with events, webinars, forums, and conference calls, the objective of this initiative is to change the terms of debate over our country's economic future for the better. At the helm of this initiative is our newest fellow, Andrew Stuttaford, who had a long career in finance and has also been writing for *National Review* for decades, and Kevin Hassett, former chairman of the Council of Economic Advisors.

JOIN US AT
NATIONALREVIEW.COM/CAPITAL-MATTERS

National Review Institute is a non-profit, 501(c)(3), journalistic think tank, established to advance the conservative principles William F. Buckley Jr. championed and complement the mission of *National Review* magazine, including by supporting and promoting *NR*'s top talent. All contributions to it are deductible for income, gift, and estate tax purposes. EIN# 13-3649537

It's no mystery why: Last time Hongkongers went to the polls, in November of last year, they awarded 86 percent of contested seats to pro-democracy candidates. The election delay marks the latest in a series of violations of the Hong Kong Basic Law—and, by extension, the Sino-British Joint Declaration—by the Chinese government. The White House should swiftly impose sanctions on those responsible for Hong Kong's repression, as recent legislation enables it to do. A weak response will embolden Beijing to double down on its belligerence.

■ Canada's new annual report on "medical assistance in dying" shows that about 14 percent of the 5,631 Canadians killed by doctors last year asked to be lethally injected because of "isolation or loneliness." Among the other reasons given for seeking physician-assisted suicide were "loss of ability to engage in enjoyable activities," "inadequate control of pain (or concern about it)," and "perceived burden on family, friends, and caregivers." Canada is working to expand the reasons that someone can qualify for lethal injection. The amelioration of suffering is central to civilization, and snuffing out sufferers as an alternative is a sad retreat from it.

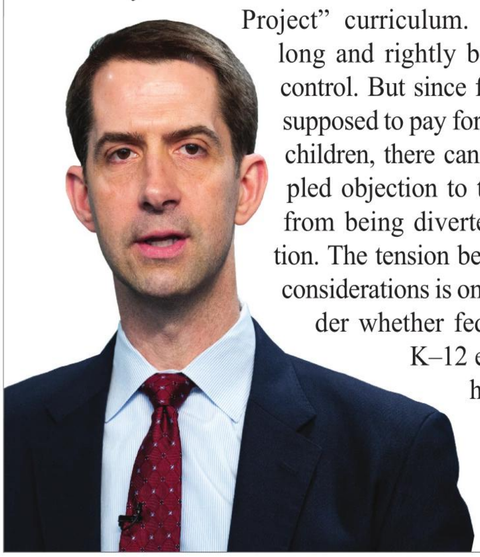
■ Hungary's largest independent news website, *Index*, has been hollowed out. Miklos Vaszily, a businessman with a history of refashioning independent media organizations into reliably pro-government outlets, acquired a stake in *Index* earlier this year. In July, the editor in chief, Szabolcs Dull, was fired. Two days later, 70 of the 90 editorial staff resigned, after meetings with management to seek Dull's reinstatement. In Hungary, state advertising is placed in media that support the ruling Fidesz party and Prime Minister Viktor Orban. It is withheld from dissenting outlets, creating an economic incentive for them to give up the fight. The government's effort to seize control of the media landscape is legal. It's also contrary to the spirit of liberal democracy, but that's the point. Orban promotes a vision of "illiberal democracy," whose "stars" include, by his reckoning, Putin's Russia, Erdogan's Turkey, and Modi's India. Though they overlap, conservatism and the Right are not coterminous.

■ Margaret Sanger may have founded Planned Parenthood, but its Manhattan Health Center will no longer bear her name. Talks are underway to rename Margaret Sanger Square in Greenwich Village. Sanger's support for eugenics and alliances with racists have finally caught up with her, even among her ideological descendants. She evangelized for birth control to cull the "feebleminded" from the population and develop a "greater American race." But she did not advocate abortion, which she considered a form of infanticide and associated with "the life of savage people." Planned Parenthood commits roughly one third of all abortions in the U.S. It has more to answer for than Sanger's vile views, and is guilty of much more than its current ingratitude toward her.

■ It was only the day before yesterday when an athlete could elicit nationwide controversy by kneeling during the national anthem. Now you create a stir if you *don't* kneel. Jonathan Isaac of the Orlando Magic chose to stand during the anthem before a game against the Brooklyn Nets; he also chose not to wear the Black Lives Matter T-shirt that all the other players had on. He was the first player in the league to stand for the anthem since teams restarted play in July. Isaac explained his choice, based on his religious principles, to his teammates before the game, and while Twitter created its usual insta-fuss, we are happy to report that virtually no one in the real world, or even in the NBA's anti-COVID isolation "bubble," criticized Isaac's decision. The fact that he felt he had to justify showing respect for his country's anthem and flag is obviously discouraging, but, at least in this instance, people seemed to accept the idea that someone can love the U.S.A. *and* oppose racism without being expected to take sides between the two.

■ Rutgers University's English department announced that it would honor "linguistic diversity" by reducing its emphasis on "traditional grammar." Instead, professors will adopt a "critical" approach to the university's writing curriculum—that is, they will encourage the use of nonstandard academic English so as to be more inclusive. The move is part of a wider series of anti-racist initiatives. Among other measures, multiple departments have added activist-writers such as Ta-Nehisi Coates and Michelle Alexander to the syllabi of mandatory courses. Students majoring in English will be required to take classes in African-American literature, and their professors will receive extensive anti-racist "training." While the announcement has received the praise of Black Lives Matter activists, some students consider Rutgers's measures deeply condescending. Perhaps some future university administration will have the sense to apologize for them, ideally in the standard English of the day.

■ Senator Tom Cotton (R., Ark.) wants to pull federal funds from any school that uses the *New York Times*' "1619 Project" curriculum. Curricula have long and rightly been under local control. But since federal money is supposed to pay for the education of children, there can't be any principled objection to trying to keep it from being diverted to miseducation. The tension between these two considerations is one reason to wonder whether federal funding of K–12 education, which has not obviously served to promote learning, is a good idea.



MICHAEL BROCHSTEIN/SOPA IMAGES/LIGHTROCKET VIA GETTY IMAGES

■ Trader Joe's uses whimsical names for its foreign-food products: "Trader José's," "Trader Giotto's," "Trader Ming's," etc. These names proved a target for wokistas, who circulated a petition demanding that the names go. At first, it seemed that Trader Joe would buckle. But, in the end, the company stood firm, saying, "We disagree that any of these labels are racist," and "We do not make decisions based on petitions." Bravo (as they say in Italy).

■ Cries for racial justice ring out in every quarter, including in classical music. Recently, some people have called for an end to blind auditions—a process by which musicians compete for orchestra jobs behind a screen. The screen has been important to many musicians, many auditioners, over the years. It has helped fill American orchestras with Asians and women. The way to get more black musicians into orchestras is to concentrate on music education, especially at early stages. Fortunately, this is happening. Orchestras are likely to reflect this development before long. To admit musicians without a blind audition is to taint the status of such musicians.

■ The Upper Midwest is replete with Americans of Scandinavian descent, and in St. Johns, Mich., you will find a bed-and-breakfast called the Nordic Pineapple. What you won't find is the Norwegian flag the owners used to display, along with the Stars and Stripes. Passersby mistook the Norwegian flag for the Confederate flag, and harassed the owners about it. So, with a heavy heart, and some bewilderment, the owners took the Norwegian flag down: a victory over intelligence, if not oppression.

■ At a moment when national unity is under attack, and the bonds of affection are beyond strained, many publications have decided to capitalize "black" and (less often) "white"—to indicate a Black people and a White people, a Black culture and a White culture. (Would the White culture include s'mores and badminton?) Without naïveté and sweeping-under-the-rug, Americans should rediscover the national ideal of *E pluribus unum*. These capital letters are worse than hyphens.

Without naïveté and sweeping-under-the-rug, Americans should rediscover the national ideal of *E pluribus unum*.

■ Opening Day in July. Stands empty except for cardboard cutouts representing absent fans. Toronto playing its home games across the border, in Buffalo. The pandemic has forced Major League Baseball in 2020 to make some big adjustments. Owners, league officials, players, and umpires hashed out their differences after long negotiations and have improvised a baseball season of sorts. *Bravi*! But *attenzione*! Twenty-one Miami Marlins players and coaches soon tested positive for COVID. The St. Louis Cardinals have reported 13 positive tests. Games have been postponed. Then more games. Red Sox pitcher Eduardo Rodriguez ended his season after testing positive and suffering a heart ailment linked to the coronavirus. The 2020 MLB season, fragile from the beginning, is scheduled through the end of the postseason in the fall. If the virus defeats that plan and MLB deems it prudent to shut down before the last game of the World Series, so be it. Wait until next year—when we can, let's hope, even go out to the ballgame.

■ "I'm an integrationist by principle & a segregationist by taste," Flannery O'Connor wrote to a friend in 1964. "I don't *like* negroes. They all give me a pain and the more of them I see, the less and less I like them." Her private correspondence includes more in that vein. Some of her defenders argue that she was joshing, playing the part of one of the bigoted characters she exposed in her fiction. Beyond dispute is that, in her life as in her art, she gave voice to racist sentiments. In a new book on the topic of O'Connor and race, Angela O'Donnell stresses the complexity and nuance of the more troubling passages. In *The New Yorker*, Paul Elie expressed his skepticism of O'Donnell's charitable reading. Overnight the disagreement escalated into a cause célèbre. Wringing his hands, the president of Loyola University Maryland removed O'Connor's name from a residence hall. He should put it back. "In her fiction, the dignity of African American persons and their worth is consistently upheld," he acknowledged, "with the bigots being the object of ridicule." To wit: O'Connor saw her sin, confessed it to friends, and repudiated it in her work. That is enough.

■ In 1873, Father Damien, a Belgian Catholic missionary priest in Hawaii, volunteered to serve as chaplain to a leper colony on the island of Molokai. There he lived and worked with the lepers for the next 16 years, eating with them, teaching school, painting their houses, building coffins, and digging graves, in addition to saying Mass and administering the sacraments. He contracted the disease and died in 1889. He was canonized a saint 120 years later. A statue of him stands in front of the state capitol in Honolulu and in the National Statuary Hall in the U.S. Capitol. In an Instagram story on "patriarchy and white-supremacist culture," Representative Alexandria Ocasio-Cortez pointed to the Father Damien statue as an example of a colonizer honored at the expense of the people colonized. Of all the statues to pick on . . . She later elaborated, nodding to Father Damien's good work, explaining that we need to add to our pantheons of national heroes more women and non-whites. Fine, but let's not cancel saints.

■ Milos Jakes belonged to the old school of Communists who did whatever Moscow wanted. Aged 23, in 1945 he joined the Czech Communist Party and never looked back. Sent to Moscow to learn the ropes at the Soviet Party School, he met and befriended Mikhail Gorbachev. When the Soviet army invaded Czechoslovakia in 1968, Jakes came into his own with a program known as Normalisation, which meant shutting the country down. In the end, Gorbachev proved Jakes's nemesis. No sooner did Gorbachev take over and begin his reforms than Jakes was put in a quandary. Opposing everything Gorbachev stood for, he had to praise him. In 1987 he became general secretary of the Czech Communist Party, and only two years later he was swept away in the Velvet Revolution. By then, he was lucky to escape retribution. He was tried for not preventing border guards shooting at escapers. Unable to come to terms with what he had done, he carried on promoting his beliefs until he died, aged 97. R.I.P.

■ Olivia de Havilland, a British-born, newly naturalized U.S. citizen, joined the Hollywood chapter of the Citizens' Committee in 1944, taking it for what it appeared to be, a pro-Roosevelt public-policy advocacy association. After discerning that it was in effect a Communist front group, she recruited Ronald Reagan to draft a declaration whereby they and other members would establish the outfit's independence of the Party line. Communist and anti-anti-Communist members shot down their effort. De Havilland, Reagan, and other Hollywood figures resigned in protest, sapping the group's relevance and scoring a victory for anti-Communism in the film industry. Despite that achievement and her support for Truman's prosecution of the Cold War, the House Committee on Un-American Activities summoned her on the suspicion that she was a Communist sympathizer. "I wore a red suit," she later recalled, "and I said, 'Please don't think that the color explains my political opinion.'" She fought Hollywood studios for actors' rights. She won. From 1935 to 1988, she appeared in 49 movies, for which she received dozens of major awards and honors, including the National Medal of Arts in 2008. She was Melanie Hamilton, noble, unforgettable, in *Gone with the Wind*. Dead at 104. R.I.P.

■ Herman Cain grew up in Atlanta. Son of a chauffeur and a cleaning woman, he went to Morehouse, and went on to become an executive at Pillsbury and Godfather's Pizza, a director and chairman of the Federal Reserve Bank of Kansas City, and CEO of the National Restaurant Association. He vaulted into politics by challenging President Clinton about the employer mandate of his health-care plan. This second career climaxed with a presidential run in the 2012 cycle. Cain was part of a trend, begun by Jesse Jackson and Pat Robertson, of non-officeholders running for the presidency (generals were hitherto the main exceptions). His campaign ended abruptly amid charges of sexual harassment, which he denied. Cain was a firm backer of that most successful of all non-officeholders, Donald Trump. He succumbed to the coronavirus at age 74. He will be remembered for his ebullience and verbal gusto, delivered in his rich Georgia accent. R.I.P.

VOTING

Don't Delay the Election, Prepare for It

President Trump outdid himself with a tweet floating the idea of delaying the election, an incendiary and absurd idea unworthy of being spoken—or even thought—by a president of the United States.

Top congressional Republicans poured scorn on the idea, and the Trump campaign backed off.

The president obviously doesn't have the power to delay the election. The Constitution gives Congress the power to fix the date of the election, and since 1845, it's been the first Tuesday after the first Monday in November. This is such an ingrained tradition that it is part of the warp and woof of American democracy.

The proximate cause of Trump's tweet was his frequently expressed opposition to mail-in voting. We, too, prefer in-person voting, as a matter of ballot security and civic ritual. Given concerns over any sizeable gatherings of people during the pandemic, though, states are inevitably embracing more mail-in voting.

This raises the prospect of an excruciating overtime after the election if it's close, because it takes so long to count mail-in ballots. This, in itself, will serve to undermine faith in the process, but it doesn't justify the president of the United States' undermining it further (in large part because he wants an excuse if he loses).

The president is convinced that more widespread voting by mail will aid the Democrats. It's not clear that this is true, especially given that older voters, who lean Republican, are especially inclined toward it. Nor is mail-in voting the sink of corruption the president portrays it as. It needs to be carefully monitored, but more than 30 million people voted by mail in 2016 without corrupting the outcome.

The real problem is the aforementioned prospect of delayed tallies. Our colleague Yuval Levin of the American Enterprise Institute suggests that Congress should push back the deadlines, on a one-time basis, for receiving final results from the states and for the formal meeting of the electors (currently December 8 and December 14, respectively). Any such changes are highly sensitive, but it's best to do them now rather than in the midst of a slow-counting train wreck.

It doesn't matter how much Trump hates the idea: This is going to be an unusual election, and it's better to prepare for it than to inveigh against it.

vote!
Return envelope
BUSINESS REPLY MAIL
King County Elections
919 SW Grady Way Ste 200
Renton WA 98057-9815

An election worker handles vote-by-mail ballots in Renton, Wash., August 3.

LEFT: HULTON ARCHIVE/GETTY IMAGES; RIGHT: JASON REDMOND/AFP VIA GETTY IMAGES

ROMAN GENN

Why He's Losing

How COVID magnifies Trump's flaws

BY RICHARD LOWRY & RAMESH PONNURU

PRESIDENT TRUMP pulled an inside straight to win in 2016, and now he needs another one.

The good news for Trump is that his approval rating has stopped falling recently. The bad news is that it has stabilized in the low 40s. Election-watcher Harry Enten points out that no president since Harry Truman has won with anything like Trump's negative net approval rating. Truman won at –6, while incumbents who lost (Gerald Ford, Jimmy Carter, and George H. W. Bush) averaged out at about –13, roughly where Trump's number is. The presidents who won reelection averaged an approval rating of +23.

Trump doesn't lead in the polling on any major issues—even his lead on the economy has slipped away.

He is losing in Florida, a must-win state for Republican presidential candidates for roughly 100 years. He is behind in North Carolina, which successful Republicans have won for the last half century. Arizona and Georgia are battlegrounds, and maybe Texas, too. Biden has been reliably ahead in all the Blue Wall states, in large part by eating into Trump's lead with whites or reversing it.

So far the polling in the race looks more like Bob Dole against Bill Clinton in 1996, when Dole persistently and substantially trailed, than like Donald Trump against Hillary Clinton in 2016, when Trump was behind but by smaller margins than today (and briefly even ahead).

The standard restrictions apply: There are around three months to go, state-level polling was off in 2016, and Trump doesn't have to make up much ground to be within plausible range of another Electoral College victory.

Still, his situation is dire by any measure. Underlying conditions have turned against him, yet even when the economy was thriving, Trump was in a notably perilous position for a president presiding over peace and prosperity. The fault is not in his stars but in his tweets, erratic behavior, scattershot belligerence, and denials of reality, which had already made him radioactive before what he sometimes calls the "Wuhan flu" ever emerged.

Trump is thin-skinned, self-obsessed, small-minded, intellectually lazy, and ill-disciplined. These never seemed to be great qualities in a chief executive, but they have caught up with Trump over the last six months in particular. They have played into his poor handling of the coronavirus crisis and the aftermath of the killing of George Floyd. When times became more serious, he remained as unserious as ever.

COVID has been the main factor worsening his political condition. The damage didn't register in the polls at first. At the end of March and beginning of April, polling had his handling of the crisis in positive territory, a kind of rally-around-the-flag effect. But the effect was smaller and shorter-lived for him than it was for other officials, in the states and abroad. As of early August, the average of the polling at the website *FiveThirtyEight* has his rating on the crisis at 58 percent disapprove and 38 percent approve. This is a flashing red light given that COVID is the most important issue to voters at the moment, a rare instance when the economy isn't the top issue in a presidential election.

Of course, none of Trump's critics predicted that a deadly and economy-flattening contagion would kneecap him in an election year. But his inability to respond adequately to the crisis is the kind of thing that they had in mind when they warned that his character traits were unsuited to the presidency.

Particularly in the circumstances of a novel pandemic, the president needs a process that brings him relevant information, structures his deliberation, allows him to adapt to new developments and correct mistakes, and guides the rest of the government in executing his decisions. And he must act in concert with Congress, governors, public-health experts, business leaders, and others, all of whom have their own roles to play. Nobody could perform this job perfectly.

What we have under Trump is very nearly the mirror image of this ideal.

He relies on gut instinct and gets his information from what he happens to see on television or hears from friends. He is extremely disinclined to acknowledge mistakes, process bad news, or think beyond the news cycle. The structure his staff has built around him is designed more to manage his ego and shield him from bad news than to yield wise decisions. His understanding of the relationship between the president and other political actors is rudimentary, causing him to alternate between passivity and assertions of total control.

Even where his administration has acted adroitly—it did work assiduously to bootstrap the initially anemic testing effort to a different level—Trump hasn't been willing or able to explain it convincingly. He has even complained, in varying tones, that testing should be slowed down because it makes the infection rate look higher.

> Trump rarely attempts to conform to expectations of presidential behavior, even when it would be useful to him.

Trump hasn't conveyed steadiness, resolve, empathy, and seriousness of purpose to the public—the sort of thing that other political figures, whatever their ideologies and even competence levels, have done to their own benefit—because he does not possess them. He does not give much sign of even recognizing that the public would appreciate them. Reassurance is not his brand. "Fighting" is, and Trump especially enjoys taking public shots at people who, by virtue of their position, cannot fight back. His most successful recent such campaign has targeted Dr. Anthony Fauci—if it counts as success for Trump to persuade many of his supporters to distrust one of his own advisers.

Presidential incumbency is a powerful political asset, especially during a crisis, because a president can speak and act for the country rather than just for his party. But Trump rarely attempts to conform to expectations of presidential behavior, even when it would be useful to him. He often seems interested in the presidency chiefly as a platform to express himself. Although most Americans dislike the personality he puts on display, this tendency was more tolerable when times were good, as they were during the first three years of his presidency.

Trump has always had an ability to direct attention where he wants in a way that other political figures can only covet. These days, he uses that power to elevate issues that obsess him but are well down the list of Americans' concerns, from the injustice allegedly done to Roger Stone to the unfairness of specific cable-news hosts to him.

Some well-wishers urge Trump to talk about a second-term agenda, but he cannot do it credibly when he has done so little to advance a first-term one. Immigration and health-care plans are always just about to be unveiled, but never are. "Infrastructure week" has been deferred so often as to become a running gag. What he is really offering is four more years of enraging liberals. That promise, at least, is something he can deliver on.

Trump won last time in large part because he was blessed by an equally unpopular opponent in Hillary Clinton. Biden has entered this campaign with a better public image. Trump's efforts to change it have not been working, in part because he has been attacking Biden from every direction. The Trump campaign would have you believe that Biden was racially insensitive when he talked about "superpredators" in the 1990s, and now wants to abolish the police. Trump's most consistent argument against Biden has been that the Democrat is declining mentally—which has the disadvantage of lowering expectations for Biden that he can then exceed.

More recently, Trump has been emphasizing the idea that Biden would be a tool of a rising Democratic Left. That's probably his best line of attack, but it also indicates his challenge. If his campaign has to warn about Biden and Ilhan Omar in its email pitches, it's because talking about Biden alone isn't scary enough. And the correct strategic judgment that Trump can win the race only if he makes it a choice between him and Biden rather than just a referendum on his own performance constantly runs into the candidate's desire to make himself the sun and the moon.

While policy hasn't been his focus, Trump has done some good and important things with his presidency. He has been much better than conservatives initially expected on abortion and religious liberty, judges, and deregulation. If nothing else, he has represented a reprieve from Hillary Clinton, who, even if she had been a weak president checked by a Republican Congress, inevitably would have scored some progressive victories difficult or impossible to reverse, especially on the Supreme Court.

But a president is more than a collection of policy positions. The office has had, since the beginning, quasi-monarchical trappings, and the president is the American head of state. How the holder of the office conducts himself matters. Peggy Noonan once wrote that no personality is ever perfect enough for the presidency: It exposes the flaws of even the best men. Trump has more flaws than most, and has been less concerned with trying to hide them than any previous occupant, indeed has affirmatively advertised them.

His vices have taken a toll. There are periodic hopes that he will reset and adopt a more disciplined approach, always dashed. In 2016, he did show he could tone it down for brief periods, but he can't help himself for long. So it is probably only events that can save him now: a waning of the pandemic, a clear economic rebound, a Biden stumble, some other exogenous event. None of this is unimaginable, but obviously none of it is certain—and none of it is in his control, or in the control of the many other Republicans whose political fates are tied to his. Trump won an upset as the de facto challenger four years ago and will have to win a bigger one as the incumbent. NR

After the Filibuster

Congress would change in many ways, mostly bad

BY LUKE THOMPSON

With President Trump's poll position having slumped in recent weeks, Democrats are upbeat. Many are talking openly and optimistically about the prospect of their party's winning a majority in the Senate. Those hopes may yet be dashed. However, this heady environment has sparked a surge of liberal enthusiasm for ending the upper chamber's legislative filibuster.

There are reasons for objective observers to throw cold water on these hopes. While Democrats certainly have a path to a Senate majority, much will doubtless change between now and November. Even if the Democrats manage to win a Senate majority, it probably will not be large enough to overhaul the body's rules to the liking of the Left.

Nonetheless, pressure is building in Democratic circles to eliminate the filibuster once and for all. According to reporting in *The Hill*, Oregon senator Jeff Merkley, one of the chamber's most outspoken liberals, is circulating "nuclear option" proposals to end the already attenuated filibuster. Delaware senator Chris Coons, who frequently masquerades as a moderate, made clear his support for abolishing the procedure should it prove a barrier to a hypothetical Biden agenda. When Majority Leader Mitch McConnell, of Kentucky, cautioned against filibuster reform, MSNBC host Rachel Maddow responded with a tweet reading, simply, "LOLOLOL."

This marks a shift from a year ago, when Senate Democrats were more divided on the question. At that point, Elizabeth Warren, of Massachusetts, was pushing for eliminating the filibuster as part of her misbegotten presidential campaign. Under pressure, Minority Leader Chuck Schumer, of New York, said in July that nothing was "off the table" when it came to the filibuster, and Dick Durbin, of Illinois, the No. 2 Democrat in the Senate, made similar noises.

Mr. Thompson is a Republican political consultant.

Yet at that point, numerous other Democrats seemed reluctant, including Bernie Sanders and Kamala Harris, neither of whom could be described as a "moderate." Virginia's Tim Kaine, who like Coons has mastered the art of getting the D.C. press corps to call him a "moderate" for little discernible reason, also expressed concern.

Now the ranks of reluctant Democrats seem to be shrinking. Many of those mentioned above are changing their tune or avoiding the question, leaving a smaller cadre of liberal senators expressing skepticism about the nuclear option. Angus King, of Maine, an independent-in-name-only, has expressed discomfort with the move. Dianne Feinstein, of California, certainly no moderate, has also said that she believes the legislative filibuster serves the Senate well. Joe Manchin, of West Virginia, whose overwhelmingly conservative voters would no doubt object to greasing the skids for liberal legislation, says he opposes the nuclear option in no uncertain terms. According to a *Politico* profile from late last year, Arizona's Kyrsten Sinema likewise opposes the move.

If these four continue to hold out, Democrats will need to do much better than expected in this fall's Senate races to have the numbers required to kill the filibuster once and for all.

Why the reluctance? For all the furor on the left, these senators likely realize that eliminating the filibuster could come back to bite the Democrats. Most obviously, the successful Senate confirmation of 200 federal judges to date during Donald Trump's first term ought to encourage caution on the Left. That torrid, record-breaking pace has been made possible by Democrats' decision under Harry Reid in late 2013 to kill the filibuster for judicial appointments. Then the minority leader, Mitch McConnell, presciently told his Democratic colleagues, "You'll regret this, and you might regret it even sooner than you might think."

Those Democrats taking time to reflect know that a Biden midterm in 2022 could very easily hand a filibuster-free Senate majority back to the Republicans. The GOP would mainly be playing defense during that cycle, defending GOP-held seats in Wisconsin, Pennsylvania, Ohio, Florida, and North Carolina. However, a midterm popular backlash à la 2010 could put in play a number of the seats Democrats need to win to get a majority, including hypothetical incumbents in Georgia and Arizona, as well as the seats already held by Democrats in Colorado, Nevada, and New Hampshire.

A resurgent Senate GOP, especially under the capable leadership of McConnell, would no doubt exploit a simple-majority rule for passing legislation to the hilt. Beyond this obvious turnabout-is-fair-play scenario, the nuclear option's other, longer-term political effects should give Democrats pause.

First, a major procedural change would create immense uncertainty for Democratic incumbents. In my conversations with current and former Senate GOP staffers, I find near unanimity in predicting one outcome: In the short term, the nuclear option would create chaos. The Senate would immediately come to look a lot more like the House, where the speaker rules with an iron fist. In a purely majoritarian Senate, the majority leader becomes the gatekeeper for lawmaking. Anything that reaches the floor of the Senate would presumably become law with relatively little deliberation, as the need to build consensus went out the window. At least in the short term, this would likely make lawmaking even more polarized than it already is.

To put this in concrete terms: Chuck Schumer, newly empowered, would have to navigate treacherous political waters with a deftness he has not, to date, shown. Likewise, individual senators would face countervailing political pressures, pressures that would pit their general-election prospects squarely against the priorities of the partisans in their primary electorates.

As the political scientist David Mayhew notes in his book *Partisan Balance*, the filibuster functions as a kind of "intensity net" that scuppers legislation that the majority may support mildly but that roughly a third of the chamber opposes fiercely. Senators can play both sides of this net. If a bill beloved by the base will certainly fail, they can vote for it without worrying about paying in the general election for its material consequences. Conversely, a bill doomed to failure can be an opportunity to burnish one's bipartisan credentials by crossing the aisle without the consequence of passing policy. Manchin is the master of this strategy, always there for a bipartisan vote when it no longer matters.

Senators would lose the ability to use the filibuster to take conspicuous albeit doomed stands on major issues. While the "talking filibuster" has become a comparatively small part of the chamber's daily life, it is still on the books. Any senator can hold up the business of the world's greatest deliberative body so long as he or she can keep standing and talking without rest. A decade ago, Bernie Sanders raised his national profile considerably by speaking for nine hours against a bipartisan tax deal. Three years later, Rand Paul, of Kentucky, filibustered the nomination of John Brennan to be CIA director, to raise concern about America's drone program. (Paul's filibuster would be impossible today thanks to Reid's decision later that year to go nuclear on almost all nominations.) In 2016, Chris Murphy, of Connecticut, spent nearly 15 hours advocating a House gun-control bill. These efforts were doomed to fail from the start, but they dramatized the stakes of specific policies and, especially in Sanders's case, paid long-term political dividends.

In many respects, over the last two years the filibuster has protected Democrats from their worst political instincts. The Democratic majority in the House has gleefully passed extreme bills, most recently an overwhelming vote to grant statehood to the District of Columbia. D.C. statehood polls poorly nationwide and would be a poison pill for senators outside liberal coastal enclaves. Yet a Senate Democratic majority freshly sans filibuster would feel intense pressure to take up and pass just these sorts of bills. Radical pieces of legislation with little to no chance of passing today might, with just a few seats changing hands in the Senate, become close-run things.

Put differently: Self-styled moderates in both parties would lose the ability to cast "free" votes, i.e., votes that help them appeal to swing voters in November by making them appear less partisan, even as those votes do not change the outcome of a particular bill. They would have to be willing either to murder the aspirations of their base voters or to risk being tarred as out of step with the broader electorate back home. In an era with increasingly fierce primaries and increasingly frequent wave elections, either option is politically risky.

Given such an uncertain environment, political mistakes would almost certainly be made—mistakes that in-cycle incumbent senators in the majority would pay for in the next election. Changes in behavior to correct for initial extremism, both among the rank-and-file and in leadership, would happen only over time, and likely only once voters had had an opportunity to punish incumbents at the ballot box. A hypothetical Republican minority would be able to watch and learn as the Democratic majority groped its way through the new political landscape.

At the same time, the minority party would lose its primary consensus-forcing mechanism. Without the legislative filibuster, it would probably pursue two strategies: a full-force public-relations campaign against vulnerable majority-party senators facing reelection, and procedural guerrilla warfare in the chamber.

Politicians loathe going out on a limb politically, but in a filibuster-free Senate, majority-party senators would be forced to take public positions on House bills early to encourage moderation. Activist groups would, likewise, learn to exert continuous public pressure, no doubt abetted by social-media-savvy members of the House on the Democratic Party's left fringe. All of this would create heightened pressure on moderate Democrats, increasing the risk of making a costly political error.

Unable to bargain over the substance of legislation via the filibuster, minority-party senators would instead play for time behind the scenes as much as possible. The standing rules of the Senate allow individual senators, provided they have the support of party leadership, to prevent any motion from reaching the floor. These "secret holds" gum up the works of legislation and would become ubiquitous. Out in the open, senators would force cloture votes on actions large and small to waste weeks of floor time. Inane amendments designed to force conference committees on all House bills would sprout like mushrooms. Dilatory tactics would become standard operating procedure.

Procedural pushback would filter down to the committees as well. Today, some committees have quorum rules that require members of the minority to be present for the committee to conduct business. If the majority began to advance extreme legislation without bargaining, the minority party would no doubt weaponize these rules, refusing to show up as a means of shutting down committee work. The increased risk that any bill that reached the floor would pass would leave few choices. And should the committees elect to remove minority-party-representation requirements, effectively going nuclear on their quorum rules, they would be further removed from the legislating process.

All of this would serve to damage whatever goodwill remained in the Senate. It would also place considerable strain on intraparty relations across the two chambers. The Senate majority leader would learn to pressure the speaker of the House, either to temper extreme House bills or to write legislation as an opening bid for bargaining. Conference committees would become the primary sites for legislating.

Still, a Majority Leader Schumer looking to protect his conference could easily find himself at loggerheads with a Speaker Pelosi attempting to fend off radical factions in her conference chamber. Is Chuck Schumer willing to declare the priorities of the Left dead on arrival? Is he prepared to watch senators defect and vote down these efforts on the floor?

Last, but certainly not least, a hypothetical President Biden, a creature of the Senate, might find himself missing the filibuster after a strong GOP showing in the 2022 midterms. After Republicans took control of the upper chamber in 2014, Harry Reid used the legislative filibuster to shield President Obama from having to veto Republican priorities. Should Republicans retake both chambers two years into a Biden presidency, the incumbent would have few instruments available to avoid using his veto pen. No president running for reelection wants to choose between obstructionism, which mobilizes the other party's base, and accommodation, which saps energy from one's own.

Under these conditions, the majority leader could extract brutal concessions on legislation in return for judicial confirmations—or vice versa. Those are precisely the sorts of concessions that could feed a primary challenge to Biden from the left. Biden's advanced age, ideological amorphousness, and limited retail skills on the trail would make him vulnerable to just such an endeavor. A weakened, fragmented Democratic Party might, in turn, hand over unified power to the GOP after 2024, with no legislative filibuster to stand in the way of a conservative agenda. That prospect is almost enough to make one hope that the Democrats choose the nuclear option after all. **NR**

The Past, Present, and Future of the Conservative Legal Movement

A lot has changed in 15 years, with hopes for more to come

BY CARRIE CAMPBELL SEVERINO & FRANK J. SCATURRO

We the People
R.S.

THE Supreme Court term just concluded has sparked more than the usual end-of-term debate and consternation about where the Court is now. There is and should be much of both. After all, while recent decisions included victories for religious liberty and the separation of powers, the justices also engaged in all-too-familiar activism to strike down a health-care regulation setting basic standards for abortionists, contort the text of the Civil Rights Act of 1964, and stymie the Trump administration's rollback of the Obama administration's Deferred Action for Childhood Arrivals (DACA) program. Surveying the judicial landscape also requires keeping perspective: This can be done only by considering the state of the conservative legal movement—looking at the conditions that gave rise to it and considering its progress, with a view toward the future.

Before the modern conservative legal movement took root, the principles of originalism and textualism were widely stigmatized, from law schools to the courts. Never mind that those methods of interpretation simply respect courts' straightforward obligation to construe legal text by the original public meaning, context, and spirit in which the people's representatives drafted it, without injecting judges' policy preferences. On the Supreme Court, two Republican-appointed justices fueled an era of activism under the Warren Court that largely continued under the Burger Court. When Attorney General Edwin Meese made it a goal to cultivate originalism during President Reagan's second term, the enterprise was ridiculed by the law professoriate and by judges.

Even the landmark civil-rights judgments, starting with *Brown v. Board of Education* (1954), perhaps the Court's greatest achievement of the 20th century, were widely misconstrued as anti-originalist. In fact, those outcomes reflected the original meaning of the Reconstruction amendments to the Constitution, which the Court had abandoned in the late 19th century, when it capitulated to shifting public attitudes against civil rights.

Consider the change in the landscape from 50 years ago, when "Living Constitution" activism was on steroids. When *Roe v. Wade* was decided in 1973, out of six Republican-appointed justices sitting at the time, five were in the majority while only one was in dissent. For decades, those who hoped the Court would stick to saying what the law is were repeatedly disappointed: by both of the remaining Eisenhower appointees who served through the 1970s, three out of four Nixon appointees, Ford's one appointee, two out of three Reagan appointees as associate justice (putting aside William Rehnquist's elevation to chief justice), and one of the two justices nominated by the first President Bush.

It took more than a generation of hard work, but there has clearly been a dramatic improvement in the performance of Republican appointees to the Court. Consider what has happened over the past 15 years, following the arrival of John Roberts and Samuel Alito on the Court. Constitutional and statutory principles regarding individual rights and the government structure necessary to safeguard them fared better than they had in years.

First Amendment rights received greater protection. In the face of repeated attempts by government to ration or prohibit speech during political campaigns, the recent Republican appointees have consistently voted in defense of political speech, helping to deliver wins such as *Citizens United v. Federal Election Commission* (2010) and *McCutcheon v. Federal Election Commission* (2014).

ROMAN GENN

Carrie Campbell Severino is the president of, and Frank J. Scaturro is the vice president and senior counsel of, the Judicial Crisis Network.

Recent Republican appointees have also voted unflinchingly in favor of religious freedom and expression—an area in which this term supplied only the latest in an unbroken line of victories going back a decade. They have also been consistent on the Second Amendment, delivering the landmark opinions in *District of Columbia v. Heller* (2008) and *McDonald v. Chicago* (2010), and on the takings clause of the Fifth Amendment.

All these areas had long revealed the Court's blind spots, as had another area in which the Court's jurisprudence has seen marked improvement: administrative law and separation of powers. To be sure, the fault did not lie exclusively with liberal or swing justices. No less an eminence than Justice Antonin Scalia, who more than any single person turned around the American legal culture's rejection of originalism, wrote majority opinions that weakened the standard to protect free exercise, in *Employment Division v. Smith* (1990), and empowered unaccountable administrative agencies, in *Auer v. Robbins* (1997). (He had a change of heart on *Auer* late in his career.) No justice is perfect.

Despite setbacks in several recent Supreme Court decisions, those who champion originalism and the rule of law must not lose heart.

Scalia's successor, Neil Gorsuch, has already come down against the *Auer* doctrine, is ardent on religious liberty, and has, along with Clarence Thomas, been the Court's most outspoken defender of originalism and textualism. Not surprisingly, Thomas is the sitting justice with whom Gorsuch has voted most frequently, at 82 percent, and Gorsuch is the justice most likely to join Thomas's opinions dissenting from the denial of certiorari. His opinion for the Court this term in *Bostock v. Clayton County*, which rewrote Title VII of the Civil Rights Act of 1964 to add sexual orientation and transgender status, stunned many Court watchers, but it is unlikely to turn out to be a sign that he sanctions the freewheeling invention of new constitutional rights. It is a cautionary tale, however, about the perils of confusing literalism with textualism.

The other Trump appointee, Brett Kavanaugh, has sprung no such surprises during his service, and he has given the Court a four-member bloc of originalists. In the areas of constitutional law mentioned above, he has shown himself to be aware of the Court's recent blind spots and unafraid to correct them when the occasion arises. That extends from the separation of powers to the Court's invention of extra-constitutional rights.

Roberts is the swing justice on the current Court, but the ideological center has undoubtedly changed. In fact, until his retreats this term from positions he had previously taken on abortion and immigration cases, his judicial philosophy bore a close resemblance to that of his predecessor, Rehnquist, with notable exceptions that include Roberts's more robust interpretations of the First Amendment and the separation of powers. To get a sense of how much has changed, consider Rehnquist's reputation as a staunch conservative next to Lewis Powell and Sandra Day O'Connor, who were swing justices during his time.

The last three Republican appointees to the Court arrived after serving longer on courts of appeals than any other Republican-appointed justice of the modern era. That allowed the most thorough vettings in the history of the Court. No doubt there is room for even more improvement in the vetting process.

Fortunately, over the past three and a half years, the process of vetting and nominating judges has borne fruit well beyond the Supreme Court. President Trump has appointed a total of 200 life-tenured judges authorized by Article III of the Constitution. That includes 53 judges on the circuit courts of appeals, leaving no vacancies on the second-highest courts in the land. It is in those courts that the vast majority of appeals are resolved, and three of the circuits have flipped from a majority appointed by Democratic presidents to a Republican-appointed majority.

More important, of course, is the caliber of these judges. Besides meeting traditional standards of stellar professional credentials, the newest circuit judges include outspoken originalists and textualists who had the courage to stand up for their convictions during their prenomination careers. The D.C. Circuit's Gregory Katsas, the Fourth Circuit's Allison Jones Rushing, the Fifth Circuit's S. Kyle Duncan and Andrew Oldham, and the Eleventh Circuit's Barbara Lagoa are just a few examples.

In prior administrations, many of these judges would not have been selected in the first place, for fear of having their nominations torpedoed. As it was, a number of nominations almost were, but Senate Republicans managed to outmaneuver the Democrats despite an unprecedented level of obstructionism. This achievement is important for two reasons: It has translated into more jurists who are protective of constitutional rights and constitutional structure, and it has provided a rich pool from which to draw future Supreme Court justices.

So, despite setbacks in several recent Supreme Court decisions, those who champion originalism and the rule of law must not lose heart. By any sound historical perspective, the modern conservative legal movement has brought much overdue change to a branch of government that is notoriously resistant to it. Even beyond the federal judiciary, self-described originalists and textualists now occupy countless offices across the country, including in the U.S. Senate. It took many years to get this far, and there is still much more work to be done. Every inch of ground gained in this battle has been hard-won, and much of it can be lost with the change of a single seat on the Supreme Court. Whether that happens probably rests on the choices voters make for president and for the Senate this November. **NR**

Obergefell at Five

Are we better off?

BY JOHN HIRSCHAUER

Ancient Mesopotamians were among the first peoples in recorded history to join in what modern man would recognize as marriage. At least 2,300 years before the birth of Christ, Mesopotamians were entering into unions broadly consonant with the committed, dyadic, heterosexual framework that has defined the institution for nearly four and a half millennia.

To be sure, there were differences between Mesopotamian marriages and modern ones. Coercion was often involved, as women were frequently given into marriage by their father; polygamy, while exceptional, was tolerated in Sumerian society. The historian Karen Rhea Nemet-Nejat nevertheless insists that most Sumerian spouses "fell deeply in love" with each other and that love served a profound social function within the context of marriage. The late Near Eastern scholar Jean Bottéro described how, in Sumerian culture, marriage "channeled" the "amorous impulses" of the Mesopotamian people toward the "aim of ensuring the security of what was held to be the very nucleus of the social body—the family—and thus to provide for its continuity."

As it would for millennia thereafter, marriage in Mesopotamia domesticated men, linked children to their biological parents, and laid the very foundation of social order. The Sumerian word for "love" is a compound verb, meaning literally "to mark off land"; husbands and wives in ancient Mesopotamia cordoned off a space for order, procreation, and purpose in a primeval epoch marked by chaos and violence.

In Bottéro's words, those who failed to marry were "looked upon as marginal, doomed to languish in an unhappy existence." Such are the moral certainties of faraway times; indeed, the shame and stigma imparted to the unmarried is perhaps a best-abandoned relic of the Sumerian age. But theirs was a lesson that every society learns: Male sexuality is powerful, a powder keg of disorder primed to unleash itself on the society at large if left untamed. The marital bond—then as now—is among the most reliable means ever discovered of taming male sexuality. It is a fact borne out in both social science and history, true across time, space, and culture: Single men are disproportionately counted among the rapists, thieves, and murderers. It is single men who crowd the prisons, line the sidewalks, and fill the mental institutions. All know, deep down, what George Gilder observed: No one walks the streets of Chicago fearing an "attack by marauding bands of feminists, covens of single women," or mobs of married men. It is those men with idle hands, loosed from all bonds of conjugal loyalty, who are given to crime, violence, and despair.

So, as the late anthropologist Margaret Mead argued, it is the "central problem in every society" to "define appropriate roles for its men." For 4,300 years—from Mesopotamia up through the ages—marriage was among the principal means of defining appropriate male roles in civilized societies.

But societies change. Liberal societies in particular tolerate those who make different choices, buck traditional roles, and reject ancient promises; they tolerate those whose lives depart, in one way or another, from the inherited scripts of antiquity. As Philip Rieff observed in *The Triumph of the Therapeutic*, there comes a "breaking point" in the arc of a liberal society when its culture "can no longer maintain itself as an established span of moral demands," its inherited myths and devotions impotent in the face of attractive novelties and revolutionary verve. In the American context, the 20th century was a famous moment of such upheaval—feminism, the gay-rights movement, the advent of oral contraceptives, and the sexual revolution more broadly took aim at the assumptions inherent in traditional understandings of marriage and family life.

In the 20th century, feminists such as Kate Millett, Germaine Greer, Marilyn French, and Shulamith Firestone began crystallizing a critique of marriage that had percolated through feminist thought for centuries prior. Firestone claimed in 1970 that the institution of marriage "consistently proves itself unsatisfactory—

Mr. Hirschauer was a recent William F. Buckley Fellow in Political Journalism at National Review.

NATIONAL REVIEW
WINE CLUB

Support NR with every purchase.

When you become a member of the National Review **Wine Club**, you help **preserve a long legacy of insightful, conservative journalism.**

This exclusive membership program combines support for National Review with a love for world-class wines at great prices.

Join today and receive your first shipment for only $29.98.

Order online at
nationalreviewwineclub.com
or call **800-978-5482**
for more information.

even rotten" and that the nuclear family was "directly connected to—is even the cause of—the ills of the larger society." More than a decade later, the influential feminist Andrea Dworkin called marriage "an institution that is extremely oppressive and dangerous for women," a means of tacit cooperation with the patriarchal superstructure. Pamphlets were published on the evils of marriage, books written on its defects, and awards given in the halls of academia to the most polemical opponents of the nuclear family. Opposition to marriage became orthodox among many feminists and their academic allies.

Dworkin, Firestone, and other feminist thinkers were not delusional. They certainly were not unintelligent. They were responding to a plain fact about marriage, embedded in the institution from at least the days of cuneiform. The definition of marriage that prevailed for millennia presupposed—and, indeed, required—sexual difference between partners. As Gilder observed, marriage tied the raucous male libido to the rhythms of female fertility; the dyadic union of husband and wife settled the precarious arena of reproduction within the confines of marital commitment. These were no accidental features of the institution—sexual complementarity went to the heart of marriage as a one-flesh union of man and woman as spoken of in Genesis and written into the biological realities of male and female existence. These biological differences were essential to marriage, and those committed to minimizing the differences between men and women would naturally come to resent the institution's gendered character.

The push to redefine marriage to include same-sex couples in America began—if such a profound movement can be said to have a formal beginning—sometime around 1970, when Jack Baker and Michael McConnell presented themselves before the Minneapolis government to apply for a marriage license. The denial of their application led the couple to pursue a protracted court battle, first appealing to the Hennepin County district court, then the Minnesota supreme court, and, finally, the United States Supreme Court, which answered the couple's appeal with a one-sentence rejoinder:

"Questions raised by this appeal are moot."

Perhaps the court thought so. But those questions were not "moot" to many gay couples who sought to participate in an institution from which they felt unjustly excluded. Neither were they "moot" to many feminist scholars, who saw in the cause of "marriage equality" a backdoor means of disrupting an institution that they had increasingly come to despise.

As the gay-marriage debate roiled in the decades before the Supreme Court decided *Obergefell v. Hodges* in 2015, some feminists began making the case that recognizing gay marriage would, in time, upend the institution of marriage itself.

In 1991, law professor Nan D. Hunter wrote in the journal *Law & Sexuality* that redefining marriage to include same-sex couples would "destabilize the cultural meaning of marriage" by disturbing the social and political hierarchies that had attended the institution for millennia. Janet Halley, of Harvard Law, agreed and took the argument a step further in the succeeding decade. Halley argued that the entire sociopolitical edifice erected in defense of married people's interests—a marital-industrial complex of sorts that frustrated feminist projects at the ballot box—could be effectively dissolved if marriage were redefined. She speculated that recognizing "same-sex marriage might lend momentum to the long-running erosion of the specialness of marriage" and could portend marriage becoming "less, not more, meaningful" in the cultural imagination. "Pro-marriage voting strength could erode," she thought, and "the social consensus that it is worthwhile to devote public and private resources to 'support marriage'" could dissolve. Most important, Halley felt that recognizing same-sex marriage might contribute "to the end of marriage's centrality as a mode of social ordering."

As the marriage debate reached a fever pitch in the years immediately before *Obergefell*, this argument continued to trickle through feminist legal circles. In 2012, Jessica Feinberg published a tract in the *Northwestern Journal of Law and Social Policy* called "Exposing the Traditional Marriage Agenda," in which she implored "feminist and queer communities" who "disfavor marriage as a legal category" to consider how favoring "marriage equality" might help them achieve the ultimate deconstruction of the institution they loathed. Citing another scholar, Feinberg noted how "advances in marriage equality work to dismantle the characteristics of traditional marriage," and how, by challenging traditional notions of "permanence, gender roles, monogamy, and procreation," gay-marriage advocates could facilitate a move "toward the explicit societal rejection of many of the objectionable traditional marriage requirements."

Three years later—and five years ago in June—Associate Justice Anthony Kennedy discovered in the 14th Amendment a constitutional right to same-sex marriage, legally abolishing the requisite sexual complementarity that had defined the institution for millennia.

In a democracy, society shapes the law, but is also shaped by it in turn.

Obergefell—whatever one thinks of the decision—necessarily undermined the gendered assumptions that were central to the traditional definition of marriage. The differences between men and women—differences that exist in defiance of every attempt to stamp them out, differences present in ancient Mesopotamia, differences that live on in the depravity of modern "incel" culture and the supposed "paradox of declining female happiness"—were discarded in a moment. The collective wisdom of civilizations was ignored, and men and women were rendered as interchangeable beings, their capacity for generative love a matter of trivia to be cast aside in a cosmic quest for Equality. The one-flesh union of husband and wife that held such purchase in the minds of civilizations immemorial was, as Halley predicted, "deprived of its power." So, too, was the vision of sexual difference and complementarity that such unions presupposed.

Perhaps that vision was outdated. Perhaps thinking that male–female differences are essential and immutable is the sort of thing rightly reserved for bigots and retrogrades, an artifact of Sumerian intolerance. Perhaps we are better off telling ourselves that men and women are essentially the same, with no meaningful differences between them whatsoever, that anyone who would insist on sexual complementarity's central role in the marital bond is contemptible, or worse. Perhaps allowing people to change their birth certificates to reflect their gender identity is a civil-rights breakthrough akin to the abolition of Jim Crow laws. Perhaps the transgender children whose bodies are mutilated by licensed physicians are not victims of our androgynous society, but its foremost beneficiaries.

Perhaps this is all true, but someone ought to explain it slowly, so the rest of us can understand. **NR**

An Ordeal In Prague

The removal of a statue and what it entailed

BY JAY NORDLINGER

ONDREJ KOLAR was under police protection from April to July. He was also under police protection last year, in the fall. This year, he was in hiding for two weeks. Police detected threats to his life from the Russian government. There were also threats from Czechs—Czechs in sympathy with Vladimir Putin's Kremlin, of whom there are a great many.

Kolar is a mayor of Prague. "A mayor"? Yes, there are 58 of them, in a sense: 57 district mayors and one overall mayor, or "lord mayor," to use a British term. Kolar is mayor of the sixth district, known as "Prague 6."

Three of the mayors have required police protection. In addition to Kolar, there is Zdenek Hrib, who is the overall mayor, and there is also Pavel Novotny, another district mayor (in an area called "Reporyje"). All three men have offended the Kremlin in some way. All have remarkable, important stories to tell. Here, we will concentrate on Ondrej Kolar.

He was born in 1984, the "Orwell year," as a lot of us thought of it then. So, Ondrej was just five when Communism in Czechoslovakia collapsed. Does he remember anything of Communism? He remembers watching TV and seeing policemen beat demonstrators in the streets. And he remembers his parents coming home from those demonstrations and talking about them.

They were indeed anti-Communists. Yet Ondrej's mother came from a strong Communist family. She was a rebel. His father, by contrast, came from a family in disfavor with the Communists. He was not allowed to study history in college; he had to study other subjects. Afterward, he could not get work in line with his education. He carried bags at a railway station.

In the years following Communism, however, he became a diplomat. He worked for President Vaclav Havel. And he served as ambassador to various countries, including the United States and Russia.

It was natural for the ambassador's son, Ondrej, to be interested in history, politics, and international relations: the drama of the world. These were the topics of the Kolars' dinner table.

Ondrej was elected district mayor in 2014. For 40 years—1980 to 2020—Marshal Ivan Konev was a resident of this district, Prague 6. That is, there was a statue of the marshal, one of the heroes of the Soviet army. The monument identified him as the "Liberator of Prague." That was untrue.

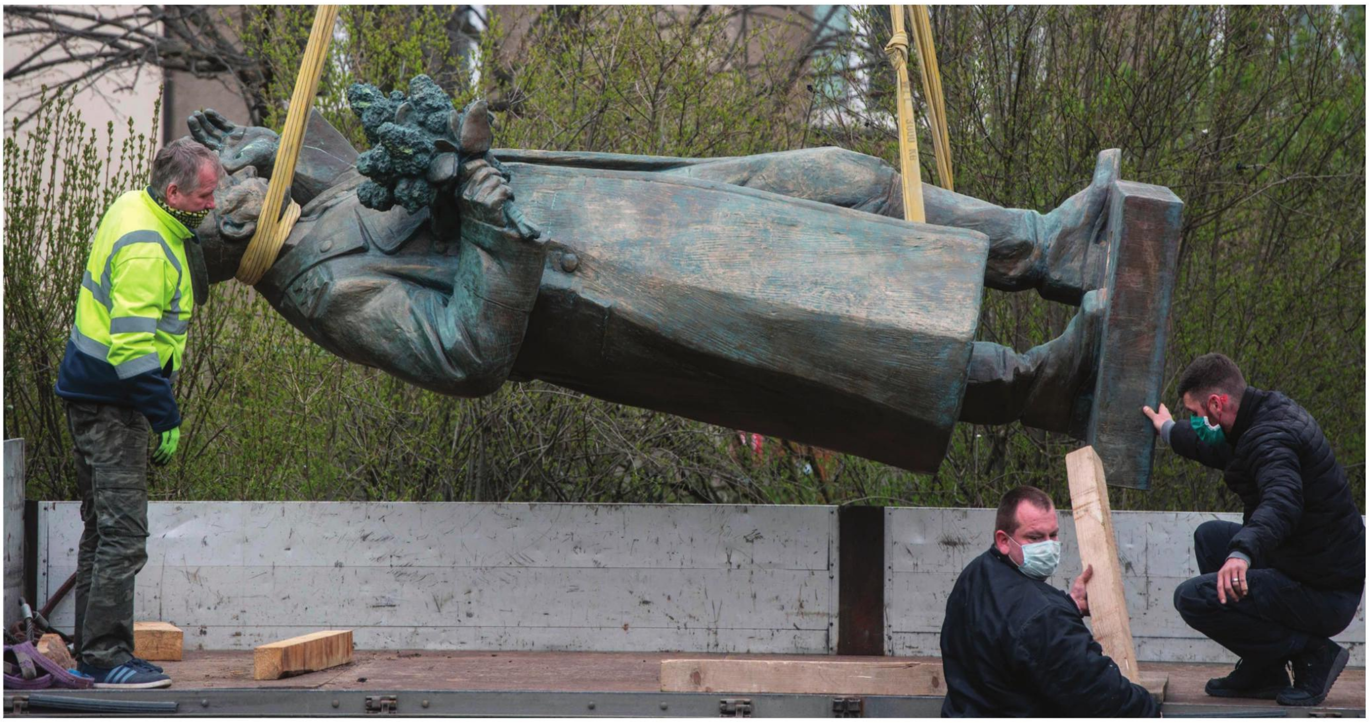
So who did it? These historical issues are often touchy, and we will not pause for chapter and verse here. But the consensus is that citizens liberated their city in the "Prague uprising" of May 1945, with the help of breakaway Soviet soldiers in the "Vlasov army."

In any case, Konev liberated most of Czechoslovakia, undeniably. (We might debate whether the replacement of Nazism by Communism is rightly called "liberation.") Konev died in 1973, age 75. His record is not all glory, from the point of view of freedom-lovers.

He led the crushing of the Hungarian Revolution in 1956. He was in charge when the Berlin Wall went up in 1961. He helped prepare the crushing of the Prague Spring in 1968. And he brought more than soldiers to Prague, back in 1945.

This is a terrible episode, little known. Konev brought Soviet intelligence agents, who methodically hunted down people who had fled the young Soviet Union—Russians, Ukrainians, Belarusians—and been granted citizenship in Czechoslovakia. The agents sent these hapless citizens to their deaths in Siberia.

"There are still people in Prague who remember all this happening," Ondrej Kolar tells me. "Who saw their neighbors dragged away by the Soviet secret police, brought to the city by Konev."



MICHAL CIZEK/AFP VIA GETTY IMAGES

Workers remove the statue of Marshal Ivan Konev in Prague, April 3.

In the run-up to August 21, 1968—when Soviet tanks rolled over the Prague Spring—"soft Communists" ruled Czechoslovakia. Then it was time for the "hard Communists." This was the period known as "normalization," when Czech rulers got in harmony with Soviet rulers. It was in this period that the statue of Marshal Konev went up—in 1980, 35 years after the end of the war, and seven years after Konev's death.

The erection of the monument, says Kolar, was "sort of an act of devotion" on the part of the Czech Communists toward the father party in Moscow.

When liberation came, in 1989, the Konev statue was repeatedly vandalized: splattered with red paint. Prague citizens knew who he was, or some of them did. In 1993, a commission was formed, to figure out what to do about the statue. Install a plaque, giving the sorry facts about Konev? Move the statue to a museum? Nothing came of these deliberations.

The issue arose again periodically, including after the election of Kolar in 2014. He himself was against the removal of the statue, at least at first: He thought it should be retained as a teaching tool. Prague people had diverse views on the matter.

Officials approached the Russian embassy, asking, "Would you guys like to take the statue and put it on embassy grounds? Or move it to Moscow, or elsewhere in Russia? What do you think? How can we resolve this stubborn problem?" Strictly speaking, the Russians were not entitled to a say. This was a Czech statue, put up by Czechs, in the Czech capital. The Soviet Union no longer existed. (Neither did Czechoslovakia.) But Prague officials were consulting Russians as a courtesy.

Those Russians were not happy. They accused Kolar and others of trying to rewrite history and being ungrateful to their Soviet, or Russian, liberators.

In 2018, Prague 6 renovated the Konev statue and put up three new plaques (at a cost of a million Czech crowns, or about $45,000). The plaques were in Czech, Russian, and English, and they told the story of the man on the pedestal, warts and all. That would be the end of the matter, thought Kolar and his colleagues.

But no. The statue was again vandalized—splattered with blood-like paint—and, worse, it became a meeting point, a rallying point, for Czech extremists: neo-Nazis and neo-Communists, waving their swastikas and their hammers and sickles.

"Politics makes strange bedfellows," I remark to Kolar. "Yes, it does," he agrees. Then again, the Nazis and the Soviets did start the war together, with their pact.

In September 2019, having had enough, Prague 6 decided to remove the statue and place it in a museum of the 20th century, to be built later. A monument to the Prague uprising would go up in Konev's place.

Russian officials reacted furiously, accusing Kolar and other responsible parties of reviving fascism. One Russian minister called Kolar a "gauleiter," which is to say, a Nazi proxy or stooge. There was equal fury from Putin-friendly Czechs, who used the same language as the Russians.

Kolar was under police protection from September to November.

Owing to bureaucracy—an old tradition in this part of the world, says Kolar—it took until April 2020 actually to remove the statue. And when it happened, the fury and threats boiled over. Police moved Kolar into hiding. His whereabouts were unknown even to his family.

In the Czech press, there were reports of a Russian assassination plot against Kolar and the two other mayors: Zdenek Hrib and Pavel Novotny. The reports were of a poison plot, in particular. Weeks later, the Czech prime minister, Andrej Babis, said that "the whole case was a result of infighting between staffers" at the Russian embassy. "One of them sent to our counter-intelligence service false information about a planned attack."

A mysterious case, to say the least. Ondrej Kolar observes, "We all know what the Russians are capable of." They have proven themselves unshy about poison. Also, Russian officials, appearing on their state television, repeatedly called for Kolar's death. His "liquidation," in the charming term from early Soviet days. One official said that Kolar should be dealt with "like Heydrich."

(Reinhard Heydrich was the SS general who was killed by Czech and Slovak soldiers in June 1942.)

Get this: After Prague 6 removed the Konev statue, the Russian government passed a law, making it a crime to "desecrate" Soviet military symbols. The law applies to foreigners, at least in the Russian government's mind. Kolar and other Prague offenders were tried—in absentia, of course—and convicted. They were sentenced to three years' imprisonment in Russia.

It's one thing to be cursed and threatened—even prosecuted—by Russians, says Kolar. It's another to be cursed and threatened by your fellow Czechs, in your own language. Kolar has received mail of the "rape your wife and kill your children" variety.

The Czech Republic is badly split, Kolar explains, between people in the Havel tradition of freedom and democracy, and people who align themselves with Russia and a pan-Slavism. The latter group is now larger than the first. They are often called "nationalist," but that is a curious designation, given their deference to Moscow and their taste for pan-Slavism.

Milos Zeman, the Czech president, is a strong ally of Putin (and of Xi Jinping in China, for that matter). A former Communist, Zeman today is a socialist and populist. One detail might suggest a broader picture of the man: In 2018, he refused to participate in 50th-anniversary commemorations of the Prague Spring.

Zeman "never stood up for any of us," says Kolar, referring to what the mayors endured from Russia. "He never said, 'These three men are Czech politicians, elected in democratic elections, and you have no right to tell them what to do or to dictate to any of us.'" On the contrary, Zeman was in harmony with the Kremlin.

Through the ordeal, did Kolar ever think of quitting? Yes, sure. "During the last four months, I've lost 20 kilograms from all the stress" (about 45 pounds). He had his family's safety to think about. At the same time, he was getting "huge support," he says, not only from people in Prague but also from people in cities, towns, and villages across the country. "And I thought, 'I can't disappoint these people. They need someone who is actually able to stand up and speak up for their ideals and their principles.'"

Ondrej Kolar points out that Czechs lost their democracy in the years after the war. It slipped away from them between 1945 and 1948. Kolar and his allies are loath to see it slip away again. **NR**

КАПИТАЛ
ЗМ
РА
ВАТЬ!

The Celestial Afterlife of Karl Marx

Man of letters, Jew-hating bigot, patron saint of Black Lives Matter

BY KEVIN D. WILLIAMSON

That Black Lives Matter should have tendrils connecting it directly to the Marxist terrorist network of the 1960s and ’70s is entirely unsurprising. It would be surprising if it were otherwise. That’s the stuff of 2020.

BLM co-founder Patrisse Cullors describes herself as a “*trained* Marxist,” with “trained” calling to mind that comical Marxist study session in *Hail, Caesar!* She tells *Democracy Now!* that her entrée into politics came under the guidance of Eric Mann, the Weather Underground terrorist who was convicted of conspiracy to commit murder after shooting up a Massachusetts police station. For radicals of that kind, it is easy to see the appeal not of Marxism per se but of Karl Marx himself and the Marxist style: Never mind the socialism, Marx offers up radical anti-individualism, a totalitarian prefiguration of contemporary identity politics, pathological anti-Semitism, the pretense to science, and many other ingredients in the soup of radical politics du jour. And in this meme-addled age, it is worth keeping in mind that Karl Marx, with his big head of hair and Brooklyn beard, makes a pretty good mascot.

Marxism, as National Review has reported elsewhere, is making a little bit of a comeback among American progressives who have put out of their minds the 100 million corpses produced by socialism in the 20th century, along with the corpses socialism continues to produce in the 21st century—in Cuba, in Venezuela, in North Korea. That is a story that we must never stop telling, because socialism is the author of horrors we must never forget.

But the record of Marxism is clear enough. What about Karl Marx himself?

We do not know what Marx himself would have done with real political power, because he never had any. Marx renounced his Prussian citizenship in 1845, unsuccessfully tried to get it back in 1848, and was shortly thereafter expelled from Prussia and then France before landing, at age 31, in the United Kingdom. So he was effectively cut off from direct involvement in the mainstream of European affairs. He had had only a marginal influence on practical politics during his life on the Continent and had none at all thereafter. He was almost exclusively a literary and journalistic figure, and though his biographers have done him no favors in telling his story honestly (“a tyrannical bigot,” Max Eastman called him), it is not his ugly and abusive domestic life or his grimy grifting that should interest us but his œuvre.

What should we make of Karl Marx the writer?

YURI KADOBNOV/AFP VIA GETTY IMAGES

MARX began working as a journalist in 1842 and became the editor of the radical newspaper *Deutsch-Französische Jahrbücher* in 1843. He continued writing for almost 40 years. His output was considerable and sustained for decades, and so, as one might expect, it is uneven in quality and style—wildly so, in fact.

As an economist, Marx was basically a caveman, building his analytic framework atop a version of the labor theory of value that does not hold up very well to scrutiny. His related claims about "surplus value" and its inherently exploitative character reflect a primitive understanding of how prices and exchange actually work. Marx was far from innumerate, but he was at heart a moralist trying to work in a field that was quickly becoming dominated by mathematics.

Marx purported to be practicing a "science" of history, but his analysis is generally normative rather than genuinely descriptive. For example, his insistence—he called it a "law"—that economic production is the product of class antagonism is nonsensical and easily falsified. Marx, for all of his scientistic fustian, led with his heart, deriving from his own moralistic reactions to the conditions of his time (whether he understood them or not) what he believed to be a historically necessary progression toward a world that would—inevitably!—satisfy his own spiritual and aesthetic longings.

As William Henry Chamberlin noted, "The truth is that there is nothing remotely scientific about Marx's socialism. He started with a set of dogmatic a priori assumptions and then scratched around in the British Museum for facts that would seem to bear out these assumptions." Hence Marx's nearly endless series of risible predictions about the development of both economic activity and political economy, a litany in which Marx gets it wrong at practically every opportunity.

Those errors do not need to be rehearsed at length. But there were some big misses: Capitalism has *not* produced an ever-smaller share of wealthy exploiters and immiserated masses but has instead left the masses vastly wealthier in real terms than the rich capitalists of Marx's time; the United States, the United Kingdom, and Germany were *not* primed for socialist revolution but have instead built on the successes of 19th-century capitalism to create an even more liberal and egalitarian form of capitalism in the 20th and 21st centuries (Germany took a horrific detour); the "dictatorship of the proletariat" in socialist countries turned out to be dictatorship pure and simple, and socialism did *not* bring about a "withering away" of the state but instead produced a particularly comprehensive kind of statism that was not only suffocating and vicious but often homicidal and genocidal as well. Much of the rhetorical project of contemporary Marxism has been dominated by defending socialism from history, a sustained cry of "No true Scotsman!" that has reverberated from the Berlin Wall to the killing fields.

While Marx argued (from the labor theory of value and "surplus value") that income beyond the production costs not immediately returned to workers is exploitation, it is precisely the diversion of profits into capital investments that has led to higher real standards of living for workers. Brad DeLong, who gives Marx a great deal of credit as both an economist and an economic historian ("among the very first to get the industrial revolution right"), argues: "Marx believed that capital is not a complement to but a substitute for labor. Thus technological progress and capital accumulation that raise average labor productivity also lower the working-class wage. Hence the market system simply could not deliver a good or half-good society but only a combination of obscene luxury and mass poverty. This is an empirical question." Marx's answer was the wrong one.

Even most self-proclaimed socialists in the United States implicitly reject Marx's analysis; the national systems they purport to admire in such places as Denmark, Sweden, and Norway were created not by the proletariat's violent overthrow of the capitalist order but instead by capitalism and liberal democracy. Whatever Marx's continuing allure is, it is not to be found in the substance of his economic and political thought.

What they are attracted to is the Marxist *style*.

OUR contemporary Marxists are not as embarrassed by Marx's racism and anti-Semitism as they should be—or, indeed, even as embarrassed as some of Marx's contemporaries were. In an 1890 letter, Friedrich Engels chastised his collaborator for his obsessive Jew-hatred, reminding him that "anti-Semitism betokens a retarded culture, which is why it is found only in Prussia and Austria, and in Russia too. Anyone dabbling in anti-Semitism, either in England or in America, would simply be ridiculed."

Marx was not unique in being an anti-Semite of Jewish origin or in leaning on ethnic stereotypes (e.g., he spoke of "lazy Mexicans" who would benefit by being politically dominated by the United States). He can be found abusing his rivals with ethnic slurs, sometimes practically rococo in their ornamentation. (His letter to Engels denouncing "Der jüdische N*****" Ferdinand Lassalle, which includes spiteful racial speculations about the man's ancestry, is the most infamous example.) But Judaism was hardly an afterthought to the father of socialism. It is notable that one of Marx's first high-profile contributions to intellectual life was "On the Jewish Question," which is full of anti-Jewish invective: "What is the worldly cult of the Jew? *Huckstering*. . . . The bill of exchange is the real god of the Jew." It traffics in familiar anti-Semitic canards, including the claim that the Jews who were being persecuted in Europe in Marx's time were secretly dominating public affairs through their financial power: "The contradiction which exists between the effective political power of the Jew and his political rights is the contradiction between politics and the power of money," Marx writes.

(Engels again offers a corrective, writing to Marx: "In North America not *a single Jew* is to be found among the millionaires.")

But there is more in "On the Jewish Question" than anti-Semitism, because the hatred of Judaism and the Jewish identity is only a subcategory of Marx's rejection of all sources of connection and community outside the political sphere. It is here, and not in *The Communist Manifesto* or *Capital*, that the totalitarian foundation of Marxism is made most comprehensible:

> Where the political state has attained to its full development, man leads, not only in thought, in consciousness, but in *reality*, in *life*, a double existence—celestial and terrestrial. He lives in the *political community*, where he regards himself as a *communal being*, and in *civil society* where he acts simply as a *private individual*, treats other men as means, degrades himself to the role of a mere means, and becomes the plaything of alien powers.

Marx's rejection of "the Jew" is in part his rejection of "the individual, as the professor of a *particular* religion," an affiliation that prevents his being wholly assimilated into the "celestial" unity of the political community—we may as well call it "the Communion of Saints," which is in effect what Marx imagines. (A great deal of intellectual life in the modern era has consisted of trying to repurpose Christian forms and concepts.) Of course, the political state, with its "sophistry" and contradictions, must in Marx's view also eventually give way to the "final form of human emancipation," which will involve, among other things, "abolishing religion." Marx goes in for some consciousness-raising:

> As soon as Jew and Christian come to see in their respective religions nothing more than *stages in the development of the human mind*—snake skins which have been cast off by *history*, and *man* as the snake who clothed himself in them—they will no longer find themselves in religious opposition, but in a purely critical, *scientific* and human relationship. *Science* will then constitute their unity.

Anticipating the most obvious objection to this fantasy, Marx offers: "Scientific oppositions are resolved by science itself."

'On the Jewish Question" is in the main plodding and doctrinaire, and of very little *use*—it is salon material, of limited practical benefit to the would-be revolutionary. But then much of Marx is. Both the forward-looking Marx and the backward-looking Marx suffer from crippling deficiencies of insight and understanding. Yet if there is relatively little of real enduring interest in Marx the historian and Marx the theorist (by which I mean little of real enduring interest for nonspecialists in the works on their own terms; the horrifying totalitarian political movement they midwifed will remain of urgent interest), Marx the journalist, writing neither prospectively nor retrospectively but putting into moral and political context the events of his own time, remains a bracing and sometimes thrilling read. *The Eighteenth Brumaire of Louis Bonaparte*, described by its translator (and Stalin biographer) Robert Tucker as a "stylistic masterpiece," is lively and curious where so much of Marx is flat and dogmatic, grappling with real events and people rather than getting sidetracked into endless conceptual refinement and duck-row formation. It is also the source of Marx's much-quoted and misquoted lines: "Hegel remarks somewhere that all great, world-historical facts and personages occur, as it were, twice. He has forgotten to add: the first time as tragedy, the second as farce." That observation is the organizing principle of the essay, which presents the 1851 coup d'état of Louis Bonaparte as the diminished echo of his uncle Napoleon's rise to power.

Louis Bonaparte forces Marx to step away from the romanticized and theoretical proletariat of his ideological harangues and take a good hard look at the masses as they are. Bonaparte, he writes, represents the "most numerous class of French society." Marx's mid-19th-century analysis perfectly presages the laments of 20th- and 21st-century leftists who preach the virtues of the masses and mass democracy while bewailing the way those very masses use mass democracy to "vote against their own interests." See if this sounds at all familiar:

> The Bonaparte dynasty represents not the revolutionary, but the conservative peasant; not the peasant that strikes out beyond the condition of his social existence, the small holding, but rather the peasant who wants to consolidate it; not the country folk who want to overthrow the old order through their own energies linked up with the towns, but on the contrary those who, in stupefied bondage to this old order, want to see themselves and their small holdings saved and favoured by the ghost of the empire. It represents not the enlightenment, but the superstition of the peasant; not his judgment, but his prejudice; not his future, but his past.

This is, of course, just a "clinging" and a "deplorable" away from the contemporary analysis by the American Left (by which I mean here center-left Democrats as well as far-left radicals) of the nationalist-populist eruption of 2016 and thereafter. (And it is not entirely wrong.) Marx sneers at the "faith of the French peasants in the miracle that a man named Napoleon would bring all the glory back to them." (As Donald Trump told Emmanuel Macron: "MAKE FRANCE GREAT AGAIN!") Marx understands the leaders of the Bonaparte coup as rapists—and asks why the victim was wearing such a short skirt:

> It is not enough to say, as the French do, that their nation has been taken by surprise. A nation and a woman are not forgiven the unguarded hour in which the first adventurer that came along could violate them. . . . It remains to be explained how a nation of thirty-six millions can be surprised and delivered unresisting into captivity by three high-class swindlers.

At the same time, Marx finds potential radical allies mired in accommodation, turned aside into a movement that "throws itself into doctrinaire experiments, exchange banks and workers' associations, hence into a movement in which it renounces the revolutionizing of the old world by means of its own great, combined resources, and seeks, rather, to achieve its salvation behind society's back, in private fashion." That is a kind of prologue to the contemporary American Left's contempt for philanthropy, in which a kind of salvation (if a purely material one) is worked out "in private fashion," voluntarily, rather than in the "celestial" realm of political community through the revolution called for by such professing socialists as Senator Bernie Sanders. Marx had touched on this in "The Tactics of Social Democracy," with its warnings about the substitution of "vulgar democracy" for real (and permanent) revolution, and he would emphasize and revisit this theme in his writing about the Commune in "The Civil War in France," lamenting that "no sooner do the working men anywhere take the subject into their own hands with a will, than uprises at once all the apologetic phraseology of the mouthpieces of present society with its two poles of Capital and Wages-Slavery."

It is that posture of uncompromising radicalism that gives Karl Marx the power to continue fascinating would-be revolutionaries all these many years later, and after all the hundreds of millions of murders and other crimes produced by the partisans of his philosophy. And it was little more than a *posture*, however sincere he may have felt himself to be in his safe (if unnecessarily poor) life, sheltering under the sturdy roof of British capitalism. For V. I. Lenin, that uncompromising radicalism was more than a posture. The question for us in 2020 is whether the blackshirts in Portland and elsewhere are playacting Marxes or bloody-minded Lenins. It may be that Karl Marx is being used mainly as a mascot.

A mascot for what? **NR**

Barr's Goal

Above all else, he wants to keep the Justice Department honest

BY ANDREW C. McCARTHY

ATTORNEY GENERAL WILLIAM P. BARR has a dilemma: how to purge federal law enforcement of the politicization that has left its reputation in tatters, while simultaneously ensuring accountability in one of modern history's most politically combustible criminal probes.

That probe, conducted at Barr's direction by John Durham, the United States Attorney for Connecticut, is scrutinizing the origins and predication of what even the attorney general has taken to calling "Russiagate." This is the "investigation of the investigators," focusing on the Obama administration's—in particular, the FBI's—counterintelligence and criminal investigations into claimed suspicions of Trump "collusion" with Russia. Based on rank hearsay and speculation, much of it sourced to the Hillary Clinton campaign and since discredited, Obama officials developed a theory that Donald Trump had been complicit in the Kremlin's hacking of Democratic Party emails. The Kremlin's supposed goal was to snatch the 2016 presidential election from the heavily favored Hillary Clinton and force Trump, under threat of blackmail, to do Vladimir Putin's bidding in the Oval Office.

Durham's probe has drawn the rapt attention of our mercurial president, who, in familiar Trumpian understatement, describes the Obama gambit as "treason." Ditto for the restive Trump base, which longs for the Democrats' comeuppance after a three-year "witch hunt," first by the FBI and then by Special Counsel Robert Mueller. With Election Day less than three months away, Barr has indicated that decisions about whether criminal charges should be filed are imminent.

That prospect, of course, infuriates Trump antagonists, though they welcomed prosecutorial zeal when their nemesis was in the crosshairs of Mueller's team, which was heavily laden with activist Democrats, many drawn from the Obama Justice Department. But that was then, in the midterm-election cycle, when Democrats were retaking the House, with the attendant control of its subpoena and impeachment powers.

Hence Barr's dilemma. Now 70, he was enticed in 2019 to return to the Justice Department, 27 years after his first stint as the nation's top law-enforcement officer. This was not by any personal connection to the president, whom he barely knew; Barr acted out of reverence for the institution. The Justice Department is foundational to the rule of law, and over the last decade, it had veered from its essential commitment to non-political decision-making.

Plainly, the best way to get politics out of the Justice Department is to keep the Justice Department out of politics. Unfortunately, it has been hopelessly, haplessly mired in politics since early 2015, when former secretary of state Clinton's email scandal broke, just as she was embarking on her ill-fated White House bid. Indicting officials of the last administration for alleged abuses of power against the succeeding administration would be antithetical to the depoliticization objective, even if an indictment were justified.

That is not lost on the attorney general. In his confirmation hearing, he touted the wisdom of Michael B. Mukasey, who took the helm at Main Justice in 2007, with the department reeling from Democratic claims of politicization. Barr recalled his esteemed predecessor's admonition against an American degeneration into "a banana republic, putting political opponents in jail for offenses committed in a political setting. Even if they are criminal offenses, it's something we just don't do here." That is why, Barr explained, "I don't subscribe to that 'lock her up' stuff"—recalling the taunt Trump's most fervent supporters delighted in squealing Mrs. Clinton's way.

When it comes to the Justice Department, Barr is an institutionalist—and coming from this former federal prosecutor, that's no pejorative. Before succeeding Richard Thornburgh as President George H. W. Bush's attorney general, Barr had been the deputy AG, and before that the assistant attorney general in charge of the Office of Legal Counsel—the "lawyers' lawyer" post at Justice, formerly held by such luminaries as Supreme Court justices Antonin Scalia and William Rehnquist.

Barr had first navigated the crossroads of law and politics as a domestic-policy staffer in the Reagan White House. Yet it was foreign relations, in all its intrigue, that drew him to government, as an analyst in the CIA's intelligence directorate. Raised on Manhattan's Upper West Side, Barr initially envisioned a career as a China expert while completing bachelor's and master's degrees at Columbia University. Even as he worked at the CIA, though, he excelled as a student at George Washington University's law school, earning a prestigious clerkship on the U.S. Court of Appeals for the D.C. Circuit. With such credentials, and in that bygone time, Barr was confirmed in 1991 by a voice vote of the full Senate. In stark contrast, as Trump's AG nominee in 2019, Barr was confirmed over the nay votes of some 45 Democrats.

This unmovable wall of opposition was unsurprising, notwithstanding Barr's repeated testimonial assurances that "the attorney general must ensure that the administration of justice, the enforcement of the law, is above and away from politics," that "any toleration of political interference" would be uniquely "destructive" of the Justice Department as an institution and, in turn, of the rule of law and our system of government.

He took the job as the Mueller probe was winding toward its conclusion, with Democrats, Never Trumpers, and their media allies still expecting the boom to be lowered on the president—if not felony charges (seemingly foreclosed by longstanding Justice Department guidance against indicting a sitting president), then at least a roadmap to impeachment.

They were sorely disappointed. On March 22, the special counsel submitted "his" 448-page final report . . . though the senescent Mueller proved painfully unacquainted with the two-volume epic in eventual congressional testimony. The report was an exercise in political gamesmanship. By regulation, it was compiled for the attorney general, who was then to decide what, if any, disclosure should be made. But Barr had publicly

Attorney General Barr testifies before the House Judiciary Committee, July 28.

MATT MCCLAIN/POOL/GETTY IMAGES

committed to maximize transparency. Mueller's staff thus wrote the report, which alleged no crimes, for the consumption of Congress, which does not need an indictable crime for impeachment purposes.

Mueller cleared Trump of any criminal conspiracy with Russia. He declined, however, to make a finding on obstruction. That was a dereliction; the prosecutor's job is to decide whether a crime has been committed. But before being nominated, Barr had written a memo, grounded in Office of Legal Counsel guidance, that rejected what he correctly believed to be Mueller's grandiose theory of obstruction—to wit, that acts within the chief executive's constitutional discretion (such as firing a shifty FBI director) could be deemed actionable if a prosecutor (i.e., an inferior executive officer) suspected they were corruptly motivated.

ONCE Barr was at the helm, then, Mueller's staffers realized that if they recommended obstruction charges on shaky evidence and a wayward theory, an internal Justice Department brawl would ensue, delaying the report's transmission to congressional Democrats. At the same time, if they abdicated on the obstruction question, Mueller's team could contend that they hadn't "exonerated" Trump either—enabling Democrats to argue that Mueller intentionally left the determination to be sorted out in the political process of impeachment. Mueller's staffers undoubtedly calculated that this sleight-of-hand would box Barr in: If he accepted their dereliction, Democrats would demand an inquiry on impeaching Trump for obstruction; if he took it upon himself to decide that there had been no obstruction, Democrats would demand an impeachment inquiry on the ground that Barr was shielding Trump and politicizing the Justice Department.

Grasping that Mueller's team was trying to roll him, Barr responded adroitly. Within two days, he and his aides plowed through the Mueller report and put out a short letter to Congress—not summarizing the report but relating its bottom-line conclusions, along with Barr's assessment that the evidence outlined did not establish obstruction. Shrewdly, Barr did not rest the latter conclusion solely on his own assessment. Instead, he explained that he'd reached it jointly with Deputy Attorney General Rod Rosenstein, who had appointed Mueller and nominally supervised him, and that they had weighed the evidence under Mueller's dubious theory of obstruction but nonetheless found it too weak to justify criminal charges.

The public reaction, predictably, was that the years-long anti-Trump "collusion" campaign to portray the president as a Kremlin mole had been a charade, and that Mueller had inexplicably failed to do the one thing he was needed to do: decide the obstruction issue. Naturally, Mueller's staffers cried foul, accusing Barr of creating a false public impression of their report by failing to couch his succinct letter in their report's narrative tone (which, like Mueller's indictments, was long on innuendo but short on incrimination).

Again, though, Barr had deftly covered his bases. It turned out that he had invited Mueller to review his letter before it was sent to Congress (weirdly, Mueller had declined). Mueller further conceded that Barr had accurately stated the report's findings. And regardless of the staffers' whining that their tone had been muffled, Barr persuasively maintained that it would be better to release the actual report than endeavor to summarize it. That would take a few weeks, because the report needed to be redacted to block out various categories of information (grand jury, classified, active investigation, and personal privacy). On cue, Democrats caviled that Barr must be delaying disclosure and purging the gory details to protect Trump. The attorney general easily refuted these charges: Mueller's own staff was collaborating in the redactions, and the delay was caused by Mueller—in playing things close to the vest, he'd failed to give Main Justice an early draft of the tome so the editing could be done ahead of time.

Though baseless, the Trump-Russia investigation got three years of traction because it was effectively unsupervised. Obama holdovers and such Swamp technocrats as Rosenstein let the anti-Trump zealots at the FBI and Team Mueller run rampant. President Trump, a non-lawyer with no government experience, was overmatched and fearful that if he tried to rein in Mueller or FBI director James Comey, he'd be accused of obstruction (which he was, in any event). Barr, by contrast, is deeply versed in the criminal law and exudes confidence in directing subordinates. Only when the new attorney general was in place did the freewheeling plot to straitjacket and potentially remove the president run into a brick wall.

Democrats fully comprehend this. Their philippics against the attorney general have thus become just as unhinged as their denunciations of the president. Representative Steve Cohen (D., Tenn.), a buffoonish character who last year gobbled a bucket of chicken at a House Judiciary Committee hearing to, er, subtly convey Barr's purported cowardice in snubbing the committee's invitation to testify, has recently called for the AG's impeachment. When Barr finally relented, appearing before the committee in late July, Cohen and his colleagues spent hours subjecting Barr to manic soliloquies, accusing him of corruption, perjury, violating his oath, betraying the Constitution, and, at one point, of killing thousands of COVID-19 victims (apparently, by being Trump's attorney general during a pandemic). Barr easily refuted these calumnies when he was permitted to speak; in the main, though, the session devolved into burlesque, with Democrats shouting the attorney general down and comically "reclaiming their time" each time he started to answer their loaded questions.

Their bill of particulars is gossamer stuff. Barr is slammed for withholding from Congress the grand-jury material from Mueller's investigation, but that material is secret under a procedural rule that does not permit disclosure to Congress, a rule lawmakers enacted and could amend. Democrats have made no effort to do so, preferring to posture that the report (well over 90 percent of which is public, including portions that cast Trump in a highly unsavory light) is being concealed. The Supreme Court will hear the dispute next term.

Democrats rail that Barr removed Manhattan U.S. attorney Geoffrey Berman, whose office has pending investigations involving Trump associates (including an indictment of Ukrainian associates of Trump's personal lawyer, Rudy Giuliani). But contrary to Berman's posturing, his presence was not necessary to protect the investigations; his dismissal leaves those investigations in the capable hands of Berman's chosen deputy. Barr simply wanted to swap out Berman (whom Trump never nominated) for a lawyer the administration prefers, Securities and Exchange Commission chairman Jay Clayton. Berman was not kicked to the curb; Barr offered him other high-ranking administration posts, but he preferred to play high-profile martyr.

Trump detractors also castigate Barr over the administration's responses to rioting and spikes in violent crime in the wake of George Floyd's death in the custody of Minneapolis police in late May. The complaints are frivolous. The administration beefed up the federal presence in Portland, Ore., because anarchists were firebombing the federal courthouse. The president has a constitutional and statutory duty to safeguard federal property, and the administration fulfilled it by sending law-enforcement agents—not military force or "storm troopers," as House speaker Nancy Pelosi disgracefully called them. Splenetic claims that Barr ordered the forcible expulsion of "peaceful protesters" from an area of Lafayette Park so that Trump could walk from the White House for a Bible-toting photo-op at nearby St. John's Church ignore the preceding days of rioting and church burning, and that the "demonstrators" launched projectiles at police as they were moved. And contrary to Democratic tirades, Barr is not sending Trump posses to suppress the urban crime wave. Rather, to address murderous gang violence in such hot spots as Chicago, Albuquerque, and Kansas City, the attorney general is surging FBI, DEA, and other law-enforcement agents to existing anti-crime task forces in which the feds partner with state and city police. That way, more cases can be brought, and there is the option of bringing them in federal court, where prosecution tends to be surer and sentences stiffer.

As one would expect, Democrats are most ballistic over Barr's "interference" in cases against Trump associates Roger Stone and Michael Flynn. But Barr supported Stone's prosecution, believed he was rightly convicted, and opposed Trump's commutation of Stone's 40-month sentence (announced by the White House in July). An internal Justice Department feud was triggered when the trial prosecutors, including a Mueller veteran, quit after Barr ordered the withdrawal of their recommendation that Stone receive a far harsher nine-year sentence. The trial judge, no Trump fan, ended up agreeing with Barr that a sentence about one-third as long for the 67-year-old nonviolent first offender was the just result.

Flynn's case is a hot potato. FBI agents did not believe he lied to them when, in a January 2017 White House interview (on Flynn's second day as Trump's national-security adviser), they questioned him about his conversations during the Trump transition with Russian ambassador Sergey Kislyak. Months later, however, Mueller's staffers pressured Flynn into a false-statements guilty plea, intimating that they would otherwise prosecute his son for alleged work (in Flynn's private intelligence firm) as an unregistered agent of Turkey. Flynn later had second thoughts and hired new counsel to fight the case, claiming investigative and prosecutorial misconduct.

Barr appointed St. Louis U.S. attorney Jeffrey Jensen, a career prosecutor and former FBI agent, to review the case. Jensen determined that there had been no predication to investigate Flynn, much less grill him. The Obama administration's claimed suspicion that General Flynn, a decorated 30-year combat commander, might be a clandestine asset of Russia was a baseless smear. There had been no misconduct in Flynn's conversations with Kislyak (during which he'd urged the Russian regime not to escalate in response to punitive measures imposed by Obama for the Kremlin's election interference). Comey, lacking a valid reason to direct an interview of the national-security adviser, violated protocols by sending two agents to conduct it without Justice Department and White House approval—and later bragged about doing so. In preparation, top Bureau officials schemed to deceive Flynn into believing he was not a suspect. In the event, they discouraged him from retaining a lawyer or alerting the White House counsel; they willfully failed to inform him of his rights and the real purpose of the interview (as they would do for a common criminal); and they refrained from playing him a recording or showing him a transcript of the conversation.

Barr and his advisers concluded that the case should never have been indicted. A false-statement charge requires proof that the alleged misstatement was *material* to an investigation. Since there was no predicate for an investigation, Barr reasoned that materiality could not be established, even assuming, for argument's sake, that intent to deceive could be proved beyond a reasonable doubt.

The case remains mired in litigation, with federal district judge Emmet Sullivan refusing to grant the Justice Department's motion to dismiss, even though, under the Constitution, it is an executive-branch call.

Disclosures in the Flynn case, along with the recent declassification of other Russiagate documents and congressional testimony, show that the "collusion" confabulation was a political narrative crafted by Trump's political rivals—those still pulling the bureaucratic levers or nestled in media sinecures where former officials shape the news. One needn't be a Trump lackey to perceive a two-tiered justice system, in which Washington insiders such as Hillary Clinton are immune despite significant evidence of wrongdoing, while the earth is scorched to make cases against Trump and his associates—resulting in little that merits prosecution, but a punitive process that bankrupts its targets while the president's capacity to govern is stymied by clouds of suspicion.

Barr's professed goal is a single tier—one system of justice for all. His disparagers scoff at this, pointing to Flynn and Stone, ignoring the attendant injustices, and condemning his assignment of Durham to examine the Russia investigation as a Trump-campaign ploy, or an attempt to delegitimize intelligence findings that Russia meddled in the 2016 election.

This caricature is ludicrous. Unlike his boss, Barr has been unequivocal in casting Russia as a bad actor that routinely interferes in our politics, did so in 2016, and is bound to do so again in 2020. Nor is Russia the only one: China, in particular, is a growing cyber threat that, as Barr observes, has proved adept at penetrating supposedly secure U.S. government systems. Thus is the Justice Department spearheading an administration-wide effort, stepping up prosecutions of Beijing's covert operatives.

Also conveniently elided in the Democrats' case against the attorney general is Barr's declination of prosecution against two top Trump nemeses, Comey and Andrew McCabe. Though they remain under Durham's microscope, there were two other investigations. Comey made memoranda of his encounters with Trump, famously leaking one of them in an effort—successful, as it turned out—to force the appointment of a special counsel. But he mishandled these memos, some of which were later deemed to contain classified information. To the president's chagrin, however, Barr determined that Comey's improper dissemination of the material was neither knowing nor worthy of prosecution.

While that evenhanded exercise of discretion was unassailable, the non-prosecution of McCabe was a much closer call. The former deputy FBI director was terminated for repeatedly lying to agents, including under oath, to cover up his orchestration of a leak to the media of investigative information. He was lambasted for doing so in a thorough report by the Obama-appointed Justice Department inspector general, Michael Horowitz. The case seemed ripe for a false-statements indictment. Yet Barr demurred, sending the president into orbit.

To summarize, for all the Democratic distortions of Barr as Trump's hatchet man, the AG has not only declined to file indictments craved by the president; he has also condemned unseemly presidential tweets about pending cases, which "make it impossible for me to do my job." This jarring public complaint has not stopped Trump's tweeting about Justice Department business—probably nothing can. But the president respects Barr enough to concede that his outbursts cause legal problems, and to accede to Barr's stated determination not to be "bullied or influenced" in making prosecutorial decisions.

Barr will need that independence in the coming weeks. But how will he exercise it?

The attorney general has been adamant in public statements that "what happened to the president in the 2016 election, and throughout the first two years of his administration, was . . . a grave injustice and it was unprecedented in American history." Barr has publicly concluded that the president's campaign was "spied" upon—and he steadfastly declines to be moved off the word, notwithstanding (indeed, quite aware of) its Watergate and Church Committee connotations.

That said, Barr has taken pains in testimony and speeches to distinguish abuses of power, which our system is designed to address politically, from crimes, which are the subject of court prosecution. Specifically with respect to spying that chills political activity and dissent, he notes that "it doesn't necessarily have to result in a criminal investigation or a finding of a crime"; but it is critical to have accountability so that "safeguards [can be] built in" to protect civil liberties in the future.

Barr has signaled that his approach to addressing this abuse may be a narrative report. In lieu of criminal charges, the Justice Department would detail the Russiagate abuses chapter-and-verse. The report would be comprehensive because the investigative authority of prosecutors is more robust than that of an inspector general, and more focused than that of Congress.

Will the attorney general take this path? It may not satisfy the president's lust for retribution. And with Election Day fast approaching, the media-Democrat complex is apt to deride it as a Trump campaign stunt, even if Durham's brief is airtight. At this stage of his life, though, Bill Barr might just tune out the squawking combatants. Semi-retired after a brilliant career in government and the private sector, he did not need this gig. His second tour of duty is not about appeasing the political gladiators. It is about keeping his cherished Justice Department out of their blood sport. **NR**

> Barr's professed goal is a single tier—one system of justice for all.

Orban Plays with Fire

Conservative hurrahs for Hungary's Fidesz party are misplaced

BY DALIBOR ROHAC

PRESIDENT DONALD TRUMP'S emphasis on "winning" illustrates the perennial tension in politics between principles and impact. Too much ideological rigidity relegates conservatives to the role of standing "athwart history, yelling Stop." In the effort to "defeat the enemy and enjoy the spoils," in contrast, principles and ideas become irrelevant—what matters is brute force. However, there are better examples of the perils of conservative politics focused on "winning" than Donald Trump. After all, Trump has not really *fought* the liberal and progressive Left as much as he has trolled it and wound it up. In contrast, Hungary's Prime Minister Viktor Orban has indeed crushed his opponents throughout his ten years in office, making it next to impossible for them to compete on a level playing field.

Much like Trump's, Orban's political success has been based on rhetorically exploiting the failures and the corruption of the Left and on feeding the most atavistic and conspiratorial impulses of the electorate. *Unlike* Trump, who has been mostly a paper tiger throughout his presidency, Orban is a skilled political operator who, in a way that is without parallel in the region, has used the past decade to entrench himself, his political party (Fidesz), and the economic elite surrounding the party.

Many Western conservatives have cheered him on in the process. According to Mike Gonzalez of the Heritage Foundation, the U.S. administration "must befriend Hungary's populist leader." Even the late Sir Roger Scruton (in his own words "neither a friend nor an enemy of Orban") claimed that Hungary's prime minister was "not the kind of demagogic tyrant that the liberal establishment in Europe want to make him out to be," although he did throw "his weight around more than most Western politicians would." Some conservatives have even speculated about emigrating to Budapest to escape the decadent West.

To be sure, Gonzalez had a point—the United States needs a constructive relationship with Orban's Hungary. Yet it is also true that the Hungarian government has played the current administration like a fiddle, extracting favors such as the Defense Cooperation Agreement, while avoiding any accountability for its domestic behavior and overtures toward Russia and China. More important is that the perceived ideological affinity that conservatives feel with Orban is misplaced. Yes, Orban has a record of "winning," but has he advanced conservative principles or made Hungary a better, more successful country?

Mr. Rohac is a resident scholar at the American Enterprise Institute.

If you are a politically connected "entrepreneur," such as Istvan Tiborcz, Orban's son-in-law, or Lorinc Meszaros, the mayor of Orban's home village of Felcsut, the answer is an unambiguous yes. Worth $1.2 billion, Meszaros and his wife own over 100 companies that have been extraordinarily successful in winning government contracts. Eighty-three percent of the earnings of the family's companies are believed to come from EU funds distributed by the Hungarian government. When asked once what he owed his success to, he responded, "God, luck, and Viktor Orban."

While some have done extremely well under Fidesz, the gap between Hungary and its neighbors has widened since 2010. Once the second-most prosperous of the four Visegrad countries, trailing only the Czech Republic, Hungary now comes last, behind Poland. Budapest used to be home to the leading academic institution in Central and Eastern Europe, the Central European University (CEU), founded by George Soros. CEU provided a home not only or even mostly to "grievance studies" but also to top-notch scholarship in social sciences relevant to post-Communist transitions. Since Orban chased the CEU and its surrounding intellectual ecosystem away on petty legalistic grounds, while bringing the Hungarian Science Academy under political control, Budapest today is an intellectual backwater. Perhaps a wave of immigration by Western conservative intellectuals will fill the void, but as of now there is more evidence of a brain drain. As many as 600,000 Hungarians (from a nation of fewer than 10 million), overwhelmingly young and educated, have settled in Western European countries such as the United Kingdom, Germany, and Austria.

Since 2019, Freedom House has classified Hungary as merely "partly free." Before discussing the organization's real or imagined left-wing bias, note that Hungary has also dropped on the World Bank's Doing Business and Worldwide Governance Indicators (showing, notably, worsened corruption and less rule of law), Transparency International's Corruption Perception Index, and the Cato Institute's Economic Freedom of the World Index. Even on the economic-freedom index produced by the Heritage Foundation, the past decade has been one of stagnation, at best.

ACCORDING to Orban's defenders, this is all an overreaction. They expressed more than a little glee when the Hungarian government ended the indefinite state of emergency, introduced through a law at the end of March as COVID-19 forced much of Europe into lockdown. "The 82-Day Dictatorship" was the title of a piece by Michael Brendan Dougherty at NATIONAL REVIEW ONLINE in late May.

The legislation introduced by Orban in response to the pandemic was far from innocuous, however. There was no sunset clause to the law that gave the government the power to legislate by decree, without parliamentary scrutiny and without the possibility of an early election. It also created two new categories of crimes. Interfering with the quarantine could lead to a prison sentence of up to three years (or five years if "perpetrated by a group," or eight if anyone died as a result). To "claim or spread a falsehood or claim or spread a distorted truth in relation to the emergency in a way that is suitable for alarming or agitating a large group of people" became punishable by up to three years of imprisonment.

NEKÜNK MAGYARORSZÁG AZ ELSŐ!

Hungarian prime minister Viktor Orban delivers his state-of-the-nation speech in February.

ATTILA KISBENEDEK/AFP VIA GETTY IMAGES

True, the original “enabling act” has now been repealed, but the legal instrument used for its repeal preserves many of the emergency powers it afforded itself earlier. Under the new bill that has superseded the legislation from March, on the advice of Hungary’s chief medical officer, the government can declare a state of “medical emergency” and thereby curtail freedom of movement and assembly for six months. The emergency would be “renewable indefinitely,” according to legal analysis by the Hungary Helsinki Committee. “Both introducing and ending this legal measure would be entirely up to the government, with no parliamentary scrutiny and little to no possibility for judicial review.”

Extending a degree of deference to the government of a pandemic-stricken country might be in order if Orban had no previous track record. Since its landslide victory in 2010, Fidesz has gradually dismantled checks on government power and tilted the political playing field in its favor. Hungary’s prime minister made it no secret that he wanted to part with Western European “dogmas,” especially with the liberal notion that people “have the right to do anything that does not infringe on the freedom of the other party.” He singled out China, Russia, India, Turkey, and Singapore as the “stars of international analysts.”

Shortly after arriving in power, Fidesz imposed a 98 percent retroactive “tax” on severance pay of civil servants leaving the public sector. On the same day that the country’s Constitutional Court struck down the tax as unconstitutional, a constitutional amendment was passed to allow explicitly for such retroactive legislation and to remove the jurisdiction of the court over tax and budgetary matters. The European Court of Human Rights later ruled unanimously that the retroactive, confiscatory “tax” violated the right to peaceful enjoyment of property and contravened the European Convention on Human Rights.

Fidesz used its large parliamentary majority to draft and adopt a new constitution (called the “Fundamental Law”), which came into force on January 1, 2012. It was drafted by a small group within Fidesz and adopted on purely partisan lines. The new constitutional architecture removed some of the constraints on the power of the parliamentary majority.

While in the past anyone could challenge the constitutionality of Hungarian legislation at the Constitutional Court, under the new constitution that right is reserved only to the government, to a quarter of all members of Parliament, and to the commissioner for fundamental rights. A constitutional amendment from 2013 stipulates that freedom of speech may not be exercised in such a way as to violate the dignity of the “Hungarian nation or any national, ethnic, racial, or religious community.” The same amendment prevents the Constitutional Court from reviewing budget and tax laws passed when the debt–GDP ratio exceeds 50 percent. Even if, for example, a tax infringes on constitutionally guaranteed rights or applies selectively to an ethnic or religious minority, the court does not get to have a say—not even after debt is reduced to less than 50 percent of GDP.

The Fundamental Law opened the way to reducing the mandatory retirement age for judges from 70 to 62, instantly removing the most senior 10 percent of the judiciary, including 20 percent of the Supreme Court judges and more than half the presidents of all appeals courts. This was declared illegal by both Hungary’s Constitutional Court and the European Union’s Court of Justice. But by the time the judicial decisions were made, most of the judges had already left. Fidesz used its two-thirds majority in Parliament to dismiss the president of the Supreme Court, who was also the president of the National Council of the Judiciary, before the end of his term—a decision that violated the European Charter of Human Rights. Furthermore, Fidesz increased the number of Constitutional Court justices from eleven to 15 and changed the procedure for their election to require only a single vote by a two-thirds majority, effectively packing the court with four additional judges loyal to Fidesz.

Fidesz also overhauled Hungary's highly complex electoral system to strengthen its majoritarian features. Two-round races in local constituencies were replaced by a simple first-past-the-post system, and the minimum turnout threshold (for the seat to be awarded) was scrapped. Geographic boundaries between constituencies were redrawn in ways that benefited Fidesz. Several constituencies dominated by socialists or left-liberal parties were split up (for example, in Budapest) or merged with suburban areas (in Miskolc, Pecs, and Szeged) to ensure Fidesz's dominance. Ethnic Hungarians in Romania, Serbia, and Ukraine, many of whom were granted dual citizenship by Orban's government—and among whom Fidesz enjoys high levels of support—were made eligible to vote.

With a comfortable governing majority, the Fidesz-dominated Parliament has ceased to be a place of legislative deliberation. Instead, writes Janos Kornai, Hungary's most eminent free-market economist, it has "become a law factory, and the production line is sometimes made to operate at unbelievable speed: between 2010 and 2014 no fewer than 88 bills made it from being introduced to being voted on within a week; in 13 cases it all happened on the same or the following day."

The combination of dwindling advertisement revenue and the overwhelming economic power of businesses with ties to the governing party has had adverse effects on media independence. In 2016, the eminent center-left daily *Nepszabadsag* was closed down by its Fidesz-connected owner after it uncovered blatant conflicts of interest surrounding the governor of the central bank. In late July, the staff of *Index*, one of Hungary's few remaining independent news websites, resigned en masse when its editor in chief was dismissed under pressure from advertisers.

Moreover, following the occasional raids of offices of nongovernmental organizations deemed unfriendly, Hungary adopted new legislation that echoed Russia's infamous law from 2012, which required foreign-funded NGOs to register as foreign agents and be subjected to strict disclosure requirements. The objective was clear: According to Fidesz deputy chairman Szilard Nemeth, NGOs funded by George Soros "must be pushed back with all available tools, and I think they must be swept out."

Like Vladimir Putin's regime earlier, Hungarian officials compared the new legislation to the U.S. Foreign Agents Registration Act (FARA). But FARA applies narrowly to organizations involved in "political or quasi-political" activities and not to foreign-funded NGOs at large. Unlike the Hungarian legislation, it explicitly exempts organizations involved in "religious, scholastic, academic, or scientific pursuits" as well as organizations "whose foreign principal is a government of a foreign country . . . vital to the defense of the United States." Furthermore, "since 1966 there have been no successful criminal prosecutions under FARA and only 3 indictments returned or information filed charging FARA violations," according to the U.S. Department of Justice.

HUNGARY remains an ally of the United States. But the notion that the perceived ideological overlap between America's "national conservatives" and Orban's political project is a solid foundation for the alliance is mistaken. Throughout his tenure, Orban has cultivated ties to both Russia and China and has acted repeatedly against U.S. interests in the region. The stories of large-scale investment projects are well known, the most prominent involving the Russian nuclear-energy monopolist, Rosatom, which was awarded a contract for the Paks nuclear power plant without an open tender. The details of the contract for 10 billion euros, financed by loans from Russia, are classified. In May 2019, Hungary struck a deal for the construction of a railway connection—with Serbia's capital, Belgrade—worth 1.9 billion euros and built and financed by China.

In 2014, after Russia had cut off natural-gas supplies to Ukraine, Hungary followed suit, notwithstanding the EU's concerted efforts to provide Ukraine with energy. Under the pretext of defending the interests of the ethnic-Hungarian minority in Ukraine, Hungary's government opposed Ukraine's participation at the NATO summit in Brussels in July 2018.

Hungary's government refused to extradite two suspected Russian arms dealers, Vladimir Lyubishin Sr. and Vladimir Lyubishin Jr., to the United States in 2018, citing an existing extradition treaty. The two are suspected of organizing arms shipments (including advanced missile systems) to Mexican drug cartels and trafficking cocaine to the United States—they could face jail time of up to 25 years in the United States. While awaiting a decision on their extradition to the United States, the Russian government filed its own extradition request, and Hungary's ministry of justice quickly dispatched the Lyubishins to Moscow. Last year, the government concluded an agreement with the International Investment Bank, a relic of the Cold War era and based in Moscow, to move its headquarters to Budapest.

Perhaps the most dangerous aspect of Orban's rule is its revisionism. Much of Hungarian politics takes place in the shadow of the Trianon Treaty of 1920, through which the Kingdom of Hungary lost a staggering 72 percent of its land and 64 percent of its population. The treaty also guaranteed statehood to nations that had long felt oppressed within the confines of the dual, Austrian-Hungarian monarchy. Still, it is perfectly understandable that Hungarians continue to see the treaty as unfair.

Those fond of Orban's "winning" should pay close attention to his recent speech at Trianon's centennial commemoration. Far from being a manifesto for conservatism, it revives the worst demons of Europe's past: a stab-in-the-back myth, playing on a deep-seated paranoia about the West, and with emphasis on Hungary's power in its neighborhood; he concluded with an ominous rallying cry for the coming "decisive battle." Orban has spent a good part of the past decade inserting his fingers into the old wound—giving Hungarian citizenship to ethnic Hungarians in Slovakia, Romania, Ukraine, and Serbia, buying soccer clubs in neighboring countries, and even channeling funds into ethnic-Hungarian parties there. In a region that has seen more than its fair share of ethnic conflict, he is playing with fire.

The impulse that has brought conservatives in the West to embrace Orban and Orbanism is understandable. The Left's excesses and hypocrisy are real. But authoritarianism, corruption, and grievance-driven revisionism do not become any more justifiable just because they are practiced by someone whom the Left sees as its nemesis. **NR**

Athwart

BY JAMES LILEKS

Fear of Fear Itself

CNN tweeted out some medical advice: “Individuals with a cervix are now recommended to start cervical cancer screening at 25 and continue through age 65.”

Individuals with cervixes. If this seems a peculiar locution, using nine syllables where the time-tested two phonemes known as “women” might suffice, that’s because you don’t know. You just don’t know. Really. It’s 2020. Men can have cervixes.

You might ask: Am I understanding the word correctly? I thought it was a reference to female anatomy, but is this . . . some French cooking term? *Our chefs choose the freshest cervixes from lakes fed by artisan springs, and sauté them to perfection.*

No, it’s what you think. Cervixes, as in the female reproductive thingamabob, to use the technical terms. They can’t say “women” because half of Twitter—that is, a statistically meaningless percentage of the American population who spend their days like Rumpelstiltskin, ripping themselves apart in fury—would send the winged monkeys to attack anyone who said men can’t have cervixes.

“I’m confused,” you say.

Yes; that’s understandable.

“No, I mean is Rumpelstiltskin a winged monkey? I feel like you didn’t make that clear.”

Rumpelstiltskin is not a winged monkey, but it is possible that a winged monkey is his spirit animal. Why, he might—uh oh, hold on, be right back.

(Brief pause; hum the *Jeopardy!* theme if you like . . .)

Okay, that’s weird. This issue hasn’t even gone to press yet and I’m already canceled on Twitter for appropriating the Indigenous concept of a spirit animal. I apologize, and if that line makes it into print I will visit every subscriber to remove the line with a Sharpie.

Back to our point: If you say that men cannot have cervixes, and women cannot, or perhaps *ought not*, have penises, then you are transphobic. The particulars of that issue we won’t bother with here, because I’ve no desire to stir the hornet’s nest of Rumple-monkeys—

“Hold on, they’re insects now?”

Yes. They are wingless Rumple-monkeys but they believe they have wings, and so we must agree that this is so, and celebrate it with children’s hour at the local library, where Rumple-monkeys with homemade wings read stories to toddlers. Stop interrupting. My actual point is that the term “transphobia” is nonsense, and joins a long and dishonest parade of slurs that equate disagreement with mental illness.

Islamophobia was the first, of course. A convenient way to shut down an observation. If you said, “Gosh, a lot of these chaps blowing themselves up seem to share a particular theological interpretation; might want to look into that,” “Islamophobia!” would be the instant accusation.

“What?” you’d say. “No, not at all.”

“No, Islamophobia! Pure and simple doubleplus ungood phobic!”

“Like arachnophobia, the fear of spiders? Ack, there’s bin Laden crouched in the corner of the ceiling! Get a broom!”

Please. A phobia is an irrational fear of something. It is frequently manifested by physical reactions, such as rapid heartbeat, sweaty palms, light-headedness, and a desire to remove oneself from the source of anxiety. Common treatments include careful, controlled exposure to achieve desensitization. Dislike for al-Qaeda’s view of Koranic requirements cannot be overcome by sitting in a room listening to soothing pan flutes while a copy of the Koran sits on a table six feet away.

The therapist speaks: “Okay, now touch the Koran, and tell me how you feel.”

“Dizzy. Scared. Like I really need to breathe in a bag while someone tells me the positive accomplishments of Islam, like math and astronomy.”

Yeah, no. Disagreement with a particular doctrine is not fear, any more than it’s “fragility” to be irritated when told that your skin color is an irredeemable sin. Stigmatizing the possession of a contrary opinion as a mental disorder is downright Soviet. Only a madman, the psych-ward commissars would say, rejects scientific socialism! We must send you to the asylum and inject you with turpentine.

“Wait, I just said that Marx’s belief that the state would wither away did not seem to be borne out by—”

“TURPENTINE.”

Why don’t conservative rhetoricians adopt this technique? Several reasons. One: Whenever you turn the Left’s rhetoric against them, they have a mental short-circuit. DOES NOT COMPUTE. Smoke curls from their collar. If the enemies of the Left are defined by a Bad Thing, then the Left cannot by definition be accused of that Bad Thing. Example: The Left says racists on the right want to divide people by skin color. The Right notes that the Left wants to divide people by skin color. The Left is furious you don’t see the difference.

Two: They *are* phobic. If you accuse someone of hating the Second Amendment, of being riflephobic, they’ll say heck yeah: Guns, and all they imply, scare them. They should scare anyone! Why, if you’re not riflephobic, *you* have a mental disorder.

Three: The issues of conservatism do not sound euphonious in the -phobia construct. Hate the 2A? You’re . . . self-defense-o-phobic! Want more progressive taxes? You’re . . . anti-equal-rates-with-rising-revenue-from-increased-economic-activity phobic!

If you scoff at the very idea of equating dissent with unreasoning panic, you are phobicphobic. You have an irrational fear of being accused of having an irrational fear. The only defense? Accuse the accuser of being phobicphobicphobic.

It may not convince them, but while they are toting up the phobes to figure out what you mean, you can leave undetected and go on with normal life. *Ah, but what hidden biases lurk in that word, normal?*

Oh, shut up. Hmm: Could have led with that and saved us all 900 words. **NR**

The Long View

BY ROB LONG

FOR IMMEDIATE RELEASE

The Metropolitan Transit Authority has announced that one of its employees, bus driver Ralph Kramden, has had his employment terminated.

Following the release of audiotape and black-and-white footage, provided by a private source, depicting Kramden making threatening and violent gestures to his wife and promising to "one day, Alice, pow! Zoom! Right in the kisser!" the MTA, with the support of the bus drivers' union, immediately removed Kramden from his position as a driver on the M1.

The Director of Diversity and Inclusion for the MTA issued the following statement: "While it is true that Kramden's actions were made in private and that we have had no complaints about his on-the-job comportment, we at the MTA cannot and will not condone domestic violence. Even the mere threat of domestic violence is unacceptable and abhorrent to us as a mass-transit provider."

Ralph Kramden was not available for comment.

FOR IMMEDIATE RELEASE

Ricky Ricardo, popular bandleader at New York's Tropicana Club, announced today that he is "taking a step back" from his position in order to "think, reflect, listen, and, I hope, change," following the revelation last week that he spanked his wife, Lucille Ricardo, in the living room of the apartment they share on East 68th Street.

Sources close to the Ricardos have revealed that their marriage was one of threats, rages, and near constant belittlement, with Mr. Ricardo assuming the role of tyrant and sole decision-maker, with Mrs. Ricardo left alone much of the time. According to these sources, Mrs. Ricardo was forced to concoct wild and unwieldy schemes in order to get out of the house, earn a living, or express herself through her art.

"It is difficult and uncomfortable to see myself as others see me," Mr. Ricardo announced through his representatives, "but with time and work, I hope that healing can begin to take place. I am profoundly sorry for the hurt and anguish I have caused my wife and family, my dear friends, and my fans. It's time for me to step away from the limelight, to change my behavior before I Baba-Lose it all."

The Ricardos have asked for privacy at this time.

FOR IMMEDIATE RELEASE

The Naked Broom: A Story of Identity, Abuse, and Nose Crinkles, by Samantha Stevens (Random House, 1972)

In clear, courageous prose, Samantha Stevens tells the harrowing story of her seven-year marriage to an abusive and controlling husband, Darren. Despite her enormous gifts as a sorceress, she was cut off from her family and her birthright by her bitterly competitive husband, for whom climbing the corporate ladder was more important than allowing his wife to blossom and flourish with her almost supernatural talents.

"The worst part about being in an abusive relationship is how quickly you learn to blame yourself," Samantha Stevens writes in the preface. "There were times when I, too, thought I was nothing but a witch. I learned to hate myself for the very things that made me, me. And it took me a long time to realize that. I'm writing this book for the gifted women who, like I was, are trapped and don't know how to break free. I'm writing this book for the millions of magical women out there who may not realize how dysfunctional and abusive their marriage is. But mostly I'm writing this book for my daughter, Tabitha, so that she knows that she never has to hide her greatness just to protect the fragile male ego."

Samantha Stevens is available for press/television/radio and personal appearances.

FOR IMMEDIATE RELEASE

Indianapolis building superintendent Dwayne Schneider was arrested this morning for sexual assault and breaking and entering, following complaints by tenants in the building he managed that he would enter their domiciles at will, with his passkey, and insert himself into their private business.

The tenants who initiated the complaint, who remain anonymous at this time, claim that his sense of white male privilege and patriarchal disdain for ringing the doorbell before barging in created a climate of fear and sexual terror. While Schneider is not accused of physical battery, Indiana criminal statutes define "sexual assault" to include "utilizing fear" and "creating imbalanced power dynamics."

Schneider is being held without bail.

FOR IMMEDIATE RELEASE

Columbus, Ohio, area teenager Alex P. Keaton took his own life this morning, following a difficult and tumultuous few days after his expulsion from his high school for creating an "unsafe and intolerant" atmosphere by openly reading Thomas Sowell's *A Conflict of Visions* in the school library.

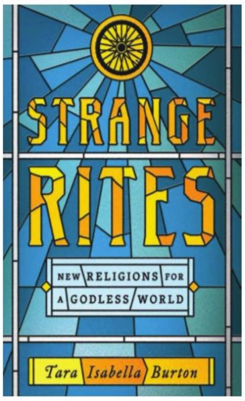
Keaton was removed from the school by state police after a days-long standoff, with his distraught parents begging him via megaphone to "just put down the book and come out." Keaton did eventually leave the library, but when he refused to undergo psychiatric evaluation, he was expelled from his school, ruining his chances of attending nearby Leland University and plunging him into depression.

The family has requested privacy.

Books, Arts & Manners

That Old-Time Religion

PATRICK T. BROWN



Strange Rites: New Religions for a Godless World, by Tara Isabella Burton (PublicAffairs, 320 pp., $28)

WITHOUT Johannes Gutenberg, Protestantism might never have gotten off the ground. And without Tim Berners-Lee and other Internet pioneers, the rising tide of religiously unaffiliated young adults would doubtless look very different.

Strange Rites, by Religion News Service columnist Tara Isabella Burton, offers a series of Instagram-filtered snapshots of what the search for meaning looks like in the age of curated consumption. It also provides an irresistible frame for understanding the quest for community in the age of YouTube influencers and fan-fiction forums.

Burton, who holds a doctorate from Oxford University and is a contributing editor of *The American Interest*, suggests that the religiously unaffiliated, or "nones," are better understood as the "Remixed," because they mix and match elements of different practices to fit their individual preference or identity. All told, she estimates, "at least half of America" falls into the category of the "Remixed." We can quibble with the estimate, as many in this camp self-describe as belonging to a conventional denomination, but American life is clearly moving in a more individualist, less institutional direction. Look at popular media, political leaders, brands, and institutions, she says. "We may not all be Remixed, but we all live in a Remixed nation."

Strange Rites reads like an unauthorized sequel to Ross Douthat's 2012 *Bad Religion*, which made the claim that America was becoming not a post-Christian nation but a heretical one. Almost a decade later, Burton proposes that our most national heresy is syncretism, a blend of ancient, faux-ancient, or contemporary practices to suit our needs—especially ones sold to us by corporations that recognize that "spirituality sells."

Borrowing from Émile Durkheim, the godfather of modern sociology, Burton understands "religion" as a set of rituals and beliefs that affirm participants' identity as part of a group. Here she places fans at a football game or gamers simulcasting *World of Warcraft* matches, taking part in a collective ritual that binds them together. But, she notes, religion is more than a set of shared actions. It is also, in the words of the sociologist and theologian Peter Berger, "the human enterprise by which a sacred cosmos is established." Religion is not just worship but the anthropology or philosophy that makes sense of the world around you—to paraphrase that other great sociologist, Frank Sinatra, it's "anything that gets you through the night."

Millennials adrift at the "end of history," Burton argues, use the infinite-swipe mentality of the Web to custom-build a sense of belonging and meaning while straddling different, often online, communities. Everything from a resurgence of interest in the occult to contemporary "wellness" routines to online communities built around certain sexual practices are tributes to the new gods of our secular age—or, as Douthat might put it, ways of gratifying the "God within" of ego or libido.

How seriously we should take rituals such as sage-burning, or hexing Brett Kavanaugh, remains an open question. *Strange Rites* is more essential in describing the way a particular kind of political praxis has become its own religious order.

A certain type of urbanite Millennial might start the day with a morning reflection over a social-media feed, commune with brethren over the all-you-can-eat-brunch table, perform acts of self-mortification in a SoulCycle studio, and avoid ritually impure foods (no GMOs!). Those practices might substitute for yesteryear's Divine Office or daily scripture passage but cannot form the "sacred canopy" Berger pictures. For that, the "Remixed" need a sense of the transcendent, and the biggest and most powerful denomination today is the high church of progressivism.

Since Voegelin, conservatives have accused progressives of trying to immanentize the eschaton, but the quasi-theological fervor has never been felt so keenly on the left as in the modern social-justice movement. John McWhorter, the Columbia University linguist, may have been the first prominent commentator to identify the modern anti-racism movement's religious characteristics, followed by *Vox*'s Matt Yglesias, journalist Andrew Sullivan, and others who have noted a nascent "Great Awokening." Much contemporary rhetoric around global warming takes on a religious tone as well, replete with the original sin of the industrial revolution and carbon offsets as indulgences.

Burton's contribution is to explore, with rigor and empathy, the roots of how the political became spiritual. She grounds the appeal of "social justice" in its narrative power, revealing to the "woke" the gnostic truths of how power and oppression order the world. This eschatological framework situates the adherent in a chain of being and orients him or her towards a particular goal. Our "Remixing" Millennial loft-dweller can now find communion at SoulCycle and redemption on the right side of history.

Fascinatingly, Burton finds the same desire for direction and transcendence on both the "self-care post-religious left" and the "atavist post-religious right." (She also explores, with probably more seriousness than they merit, the transhumanist rationalists found in Silicon Valley—the

Mr. Brown is a congressional staffer who writes from Columbia, S.C. His views are his own and not those of any legislator or committee.

all-in-one nutrition package Soylent will not be manna for many.) Adrift, but with newfound access to speakers and ideas once considered taboo, those on the post-Christian right are also formed by a type of identity politics, often rooted in misogyny or white supremacy. These "most successful of our modern new religions provide a clear, if nontheistic, account of the meaningfulness of the world," Burton says, and the parallels she draws between the alt-right and the social-justice Left are unforgettable.

The success of these "religions" in forming new allegiances has shifted the fault lines of our debates as a nation. Battles in the culture wars used to be fought over religion and the family but have taken on an increasingly different character in the Internet age. Lapsing into the argot of the online, Burton reports, "Our culture wars now better resemble Gamergate—with its clash of SJWs [social-justice warriors] and proto-atavist nerd culture—than they do the debates of the 1980s and '90s."

At times, Burton sympathizes with the perspective of the "Remixed," but that does not prevent her from seeing through their self-delusion. The creams, classes, and self-care of "wellness culture" are gently skewered as "equal parts Ayn Rand and John Calvin." The commerce of virtue-signaling, from LGBTQ-themed soda cans to #MeToo-branded razors, demonstrates how "today's new religions interface with the brands that so powerfully promote, reify, and profit off them." The book's avatar may well be one of her interviewees, a willing participant in what is described as a "24-7 master-slave relationship," who tells Burton, "If we had a god, that god would be consent."

Burton's blend of an academic's care and a journalist's eye for suggestive detail makes *Strange Rites* an easy book to recommend. One relatively weak point is its limited scope. The narrative's prime movers tend to be "creative class" types who came of age with Harry Potter and balance their time between an upwardly mobile career and a Tinder account. There is not much about the spiritual practices of young adults outside urban cores. Religion, derided since Marx as the "opiate of the masses," seems less likely to be replaced in the lives of the deinstitutionalized working class by ersatz religions such as dominant–submissive relationships than by actual opiates.

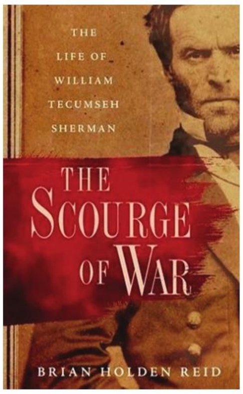
In a recent report, American Enterprise Institute scholar Lyman Stone highlighted that "religious affiliation has never before fallen as it is falling today." But this shift, he and other scholars have found, is being primarily driven not by a mass falling-away from faith but by generational replacement, especially as children raised in weakly religious households come of age. The "Remixed" grew up with religion as something "'nice to have' teaching 'good values' or solidifying family bonds—[not] necessarily a core part of their meaning or purpose," Burton notes. For traditional religious denominations, a bold restatement of what makes their conception of human anthropology different from that of the secular mainstream is long overdue. Churches will need to recognize that their former advantage in fulfilling individuals' need for meaning and meeting is being competed away not just by the Internet but by the individualistic, hyper-customizable orientation towards the world that it enables. And they will need to adjust.

Mass-produced texts democratized access first to the words of God, then to those of man, enabling theological and political upheaval. Automobiles, arguably, did as much for the sexual revolution as any tract by Margaret Sanger. And chat rooms, message boards, and blogs doubtless contributed to our 21st-century great awakening. "The proliferation of Internet creative culture and consumer capitalism have rendered us all simultaneously parishioner, high priest, and deity," Burton writes.

Strange Rites will find a ready audience among those who have recently revised down their cheers for capitalism from two to one. A certain type of reader will come away from Burton's work blaming the Internet for accelerating the breakdown in traditional institutional religion. Still others will credit it for the rise of Black Lives Matter or the alt-right. But a more subversive interpretation might see the Internet as accelerating, but not causing, the working out of homogenized consumerism in the way we interact with the divine and with one another. The "strange rites" she refers to may well be our suspicion of unchosen obligation and the fetishization of autonomy that had taken root before the first message board went online. The fault may be not in our social-media platforms, but in ourselves. **NR**

A Warrior In Full

RICHARD LOWRY



The Scourge of War: The Life of William Tecumseh Sherman, by Brian Holden Reid (Oxford University Press, 640 pp., $34.95)

STATUES of William Tecumseh Sherman stand throughout the country, including a striking gilded-bronze one by Augustus Saint-Gaudens outside Central Park in New York City.

Reading a biography of Sherman in the context of the current spate of iconoclasm brings home how anyone looks immaculate on a pedestal, or to borrow and flip around the famous line about valets—everyone is a hero to his sculptor. Marble and bronze smooth away the inevitable human flaws of even truly great men.

If the mob wanted to take sledgehammers and grappling hooks to statues of Sherman, it would have grounds to do so—his retrograde racial attitudes; his campaign of property destruction in the South; his role in the Indian wars.

Yet none of this can detract from his gargantuan contribution to the salvation of the nation in the Civil War, and his enormously impressive qualities as a warrior-intellectual: a prodigious reader, bracing writer, and student of the arts—who also happened to capture Atlanta.

Brian Holden Reid, a British military historian specializing in the Civil War, has written an appropriately sympathetic account of Sherman. It has an authoritative ring to it and, at 500 pages of text, is certainly exhaustive. Understandably, given why we remember Sherman and given Reid's expertise, he renders the general's Civil War operations in extensive detail.

This actually made it harder for me to follow the battles, not easier, but this may be my defect rather than one of the author. I clearly lack a knack in this area. I've read books or listened to lectures, for instance, touching on Vicksburg many times (we even stopped there once on an NR Mississippi River cruise), but if any reader out there has a bunch of maps and a couple of hours to explain to me how the maneuvers leading up to the siege went down, I'd be very grateful.

Sherman had the right kind of forebears for a Union hero. The historian Kevin Phillips argues that a series of civil wars—or, as he calls them, cousins' wars—decided the shape of Anglo-America, with the same religio-cultural groups taking basically the same anti-monarchical, anti-aristocratic sides in the English Civil War, the American Revolution, and the Civil War.

Sherman's family could be Exhibit A. His Puritan forebear Edmund Sherman bristled at the impositions of King Charles I and emigrated to North America, while Sherman's grandfather supported the American Revolution.

Sherman's father, a lawyer, idolized the great Shawnee chief Tecumseh and named his third son William Tecumseh, one of eleven children.

The family suffered a heartbreakingly typical 19th-century tragedy. Debt-ridden and exhausted by work, Sherman's father died of a typhoid infection in 1829. The custom upon such an event was for other families to take in the children. Young Sherman went to a neighboring wealthy and politically connected family headed by Thomas Ewing, who would soon be a U.S. senator from Ohio. Ewing nominated him for West Point, where Sherman excelled academically and was a memorable raconteur.

Sherman had a contempt for politicians his entire life, but benefited immensely from his political connections, not just the Ewings but his brother John, who also became an Ohio senator.

After graduation, Sherman became romantically involved with a Ewing daughter, Ellen. They eventually married, and she was an important partner throughout his life, even if they were often separated, and for a period near the end, estranged.

Sherman was excitable and restless, a great talker who had a tendency to reach extreme conclusions that he didn't keep to himself. If he could rub people the wrong way—and was an expert at holding grudges—there was no denying Sherman's energy and talent.

Still, he didn't distinguish himself in his pre-war military career. He left the service and became a banker in San Francisco, where he dealt stalwartly with a bank run. Then, he managed Ewing property interests in Kansas. The prospect of failure stalked him into his early 40s. "I am doomed to be a vagabond," he said in 1859.

At the outset of the war—after he went back and forth about returning to the army and after much lobbying by his politically connected family to secure him a suitable position—he took command of a regiment.

In his first experience under fire, he told his men not to duck because it was already too late if they could hear the cannonball—then ducked himself when a cannonball hit a tree above him. "Well, boys," he joked, "you may dodge the big ones!"

At the Union defeat at Bull Run, he got high marks for managing an orderly retreat.

Given command of a department in Missouri, he exaggerated the Confederate forces arrayed against him and gave in to the counsel of fears, suffering a breakdown. Relieved of his command, he returned home with Ellen. The *Cincinnati Commercial* ran a headline GENERAL WILLIAM T. SHERMAN IS INSANE. (He acquired a burning hatred of the "fake news," and later would want to execute an offending reporter as a spy.)

He had to fight to save his reputation and career. His family's senators, Thomas Ewing and John Sherman, worked in his behalf in Washington, and so did Ellen, an indefatigable advocate during this period. Sherman returned after his hiatus to train troops under General Henry Halleck.

"No other Civil War general," Reid writes, "would recover from such depths of shame and despair to rise on the strength of intellectual power and operational and strategic insight to reach such heights of fame and military success."

He got command of troops again and excelled at Shiloh, a key Union victory in the West. He had three horses shot out from under him in one day, and a quarter of his division became casualties.

Access is everything.

Enjoy **ALL** of our conservative commentary.

NR PLUS

Logged-in members never see a meter or a paywall, can view all NRPLUS member articles, get full access to the digital magazine and archives, enjoy an ad-minimal experience, can comment on stories, and so much more!

Learn more at
NATIONALREVIEW.COM/PLUS

For all that he was high-strung, he was cool under fire. Charismatic, physically hardy, and careless of his appearance, he was a natural leader of men. His troops loved him and called him "Uncle Billy."

In terms of Northern politics, he was a conservative. He doubted the North's resolve and was skeptical of democratic politics. He didn't welcome freed slaves joining his columns and took a dim view of blacks generally. "The negro is in the transition state and is not the equal of the white man," he said.

Yet he hated secession with a passionate intensity. Sherman took over from Grant in the West when his friend and superior went east to assume overall command. His campaign to take Atlanta was a masterpiece of maneuver, unstoppable by Confederate general Joe Johnston or his more aggressive replacement, John Bell Hood.

Sherman's view of the nature of war crystallized over the course of the conflict. He embraced a broad definition of measures justified by military necessity and believed that the South had to be taught a hard lesson. A passage in a letter he wrote to Atlanta's mayor states his view powerfully and succinctly: "You cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it; and those who brought war into our Country deserve all the curses and maledictions a people can pour out."

A master of logistics and planning, Sherman relied on maneuver and psychological effect to achieve his ends.

In an audacious move, he turned his back on Hood to undertake his iconic march to the sea and then through the Carolinas. "If we can march a well-appointed army right through his territory," he wrote of Jefferson Davis, "it is a demonstration to the world, foreign and domestic, that we have a power which Davis cannot resist."

And that's what Sherman did. He converted his army, as he put it earlier in the war, into "a mobile machine, willing and able to start at a minute's notice, and to subsist on the scantiest food." He set the standard as marching 15 miles a day. His forces foraged for food, but their acts of destruction were focused on public property, economically significant infrastructure, and the plantations of wealthy secessionists.

Southern partisans exaggerated his depredations at the time, and have ever since. A book attacking him in the 1970s was called "Merchant of Terror: General Sherman and Total War." As Reid points out, though, Southern civilians were almost entirely unharmed and no one starved, despite the army's taking food.

As for the controversial burning of Columbia, S.C., Confederate soldiers prior to retreating engaged in haphazard attempts to burn cotton that had been gathered in the streets. The embers kept going throughout the day, and then when winds picked up in the evening a fire raged out of control. Union forces tried to put it out, unsuccessfully, and drunken federal troops in the streets didn't aid their cause. (Columbia's citizens had, unwisely, ladled out whiskey when the troops arrived as a gesture of welcome.)

For all his harsh statements about the nature of warfare, Sherman was economical with manpower. A master of logistics and planning, he relied on maneuver and psychological effect to achieve his ends. "It is more honorable to produce results by an exhibition of Power than by slaying thousands," he wrote in 1863.

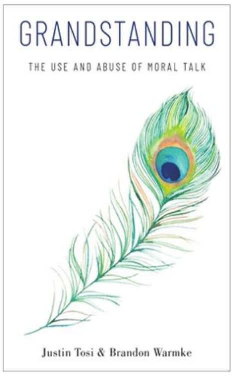
In fact, he never won a major offensive battle. If he punched above his weight in this sense, someone still had to destroy the Southern army—namely Grant, in his grinding battles against Robert E. Lee.

After the war, Sherman loomed large in public life. He became the commanding general of the army and had an outsized hand in the winning of the West. The Great Mentioner often mentioned him as a presidential possibility, but Sherman maintained his contempt for politics. His refusal to entertain entreaties to run for president in 1884 led to his Shermanesque disavowal of interest.

There is much in his life that falls down by today's standards, but much that rightly belongs to the ages. Keep him on the pedestal. **NR**

The Costs Of Virtue-Signaling

SPENCER CASE



Grandstanding: The Use and Abuse of Moral Talk, by Justin Tosi and Brandon Warmke (Oxford University Press, 248 pp., $19.95)

In his first public statement following accusations of sexual abuse, now-disgraced movie producer Harvey Weinstein boasted of his support for supposedly righteous progressive causes. Weinstein was *morally grandstanding*, i.e., using moral discourse to promote his own status. And since just about everyone recognized what he was up to, Weinstein's grandstanding was ineffective. Grandstanding isn't always so easy to detect (if it were, no one would do it), but it's hard to spend much time on social media and not think that there's a lot of grandstanding going on.

In their new book, two philosophers treat moral grandstanding as a serious problem. Justin Tosi of Texas Tech University and Brandon Warmke of Bowling Green State University argue that grandstanding corrupts moral talk. The term "moral talk" covers everything from praise and blame, to expressions of moral emotions such as outrage, to support for specific policies on moral grounds. Some of our most important communication is moral talk, but for precisely that reason it lends itself to abuse:

Mr. Case is a freelance writer and an international research fellow in the Wuhan University school of philosophy.

> Invoking sacred words—justice, dignity, rights, equality, or honor, tradition, faith, family—magically transforms your nasty, abusive, selfish behavior into something heroic and praiseworthy. Want to be cruel to those people you don't like and have your like-minded peers congratulate you? Wrap your behavior in high-flying moral language. Voilá! Brave, Admirable, Speaking Truth to Power.

Tosi and Warmke define moral grandstanding with a simple equation: "Grandstanding = Recognition Desire + Grandstanding Expression." In short, people grandstand when they engage in moral talk as a means of satisfying their desire for others to recognize them as good people. Sometimes grandstanders don't believe what they are saying, but dishonesty isn't essential to grandstanding. People can believe what they're saying and still be saying it for self-serving reasons (even unknowingly, since we're sometimes self-deceived).

Recent empirical research shows just how strong the "recognition desire" is. Tosi and Warmke summarize the results of one 2018 study, which found

> that people would prefer to spend a year in jail, lose a hand, or even die before being . . . assumed to be a neo-Nazi, or falsely thought to be a pedophile. Many subjects chose to stick a hand into a bowl of writhing, wriggling beetle larvae to prevent the larger university community from learning that they had received a (doctored) high "racism" score on an implicit association test (IAT).

Tosi and Warmke identify several types of grandstanding; I'll mention two. "Piling on" occurs when people essentially just repeat the moral pronouncements of others ("I, too, stand with women!") to register with others that they're on the "correct" side of some issue. "Ramping up" describes the kind of moral competition people engage in when they make increasingly strong moral claims. This often looks like the verbal equivalent of a nuclear-arms race: "When people ramp up, they are not trying to arrive at the correct moral claim any more than the Soviets and Americans were trying to produce the correct number of bombs [in the Cold War]. Instead they are trying to outdo one another."

Tosi and Warmke devote much of the rest of the book to arguing that grandstanding is a problem worth worrying about. They argue that grandstanding is to be avoided for at least three reasons. First, the social consequences of all this grandstanding are probably negative, since it likely breeds distrust and cynicism, and fuels political polarization. Second, grandstanding is disrespectful to others in the same way that lying is, i.e., it's a way of treating others as mere instruments for your self-promotion. Finally, a virtuous person wouldn't grandstand, since grandstanding often involves acting for the wrong sorts of reasons.

The grandstanding of ordinary people is bad enough, but grandstanding by politicians and other politically influential people is especially pernicious:

> The point of political action is to solve problems, not to create a forum for the glorification of those who participate. But if politics becomes a morality pageant, then the contestants have an incentive to keep problems intact—or perhaps even worse, to engage in political activism with no clear aim at all.

Finally, Tosi and Warmke turn to practical matters: What should we do about grandstanding? They advise us above all to focus on the beams in our own eyes. One tempting thing we probably shouldn't do is to "call out" grandstanding when we see apparent instances of it. That's in part because it's easy to be wrong about whether someone is grandstanding. But even if you're sure, drawing attention to particular instances of grandstanding is unlikely to be productive. The person who is being called out probably won't be receptive to what you're saying, and others might accuse you of grandstanding. A better approach is to refrain from liking social-media posts that appear to be grandstanding, or from otherwise conferring undeserved praise (e.g., "So brave!").

I recommend this book to anyone interested in the ethics of discourse. *Grandstanding* is an accessible and informative introduction to a neglected topic. The book also has a light touch. Whereas delving into moral issues such as abortion and euthanasia can be depressing, grandstanding is an amusing topic to read about, and it's gratifying to see such self-promotion exposed. Tosi and Warmke do a good job of showing how grandstanding connects with issues such as political polarization, honesty, and respect for others. What they say is, by and large, persuasive.

I'll nonetheless register a few quibbles, starting with the way Tosi and Warmke understand "grandstanding." A minor one is that the word "grandstanding" appears on both sides of the equal sign in the equational definition "Grandstanding = Recognition Desire + Grandstanding Expression," giving it the appearance of circularity. They could have avoided this by using a label other than "grandstanding expression."

Another issue arises from the fact that people often engage in moral talk from mixed motives. We can want both to be recognized as good people and to promote good causes. How much influence must "recognition desire" exert on an agent in order for his utterance to count as grandstanding? If a small amount of recognition desire corrupts moral talk, then almost all moral talk is grandstanding. On the other hand, if grandstanding expressions must be *entirely* motivated by recognition desire, then grandstanding would be much rarer than it appears to be.

Tosi and Warmke say that recognition desire has to be "strong enough that if the grandstander were to discover that her audience wasn't impressed with her moral qualities because of what she said, she would be disappointed." I think this sets the bar too low. Some people whose hearts are (mainly) in the right place might be more susceptible to that kind of disappointment than others. I'd rather say that a grandstanding utterance must be made with self-interest primarily in mind. Such an utterance is one the speaker wouldn't have made *but for* the expectation of personal benefit.

TRUE

True
solitude: silence
expanding
into every space,
leaving room
for just me, just
you.

—JESSICA HORNIK

I also think that sometimes engaging in moral talk primarily to boost one's own status is plausibly the right thing to do. Consider someone who has been slandered or otherwise unfairly maligned. It seems acceptable—and perhaps even morally obligatory—for this person to broadcast his actual moral values and virtues with the hope of repairing his reputation. This might involve his saying things like "I, too, condemn racism." Is this grandstanding? I'm inclined to say that it isn't, but it seems to satisfy Tosi and Warmke's criteria.

The book in some places strikes me as a tad too cautious and defensive. Tosi and Warmke are very concerned about the criticism that they are guilty of grandstanding themselves, and they don't want to be accused of violating their own advice against calling out grandstanders. One consequence of this is that they don't give us very many *ordinary* real-life examples of grandstanding, i.e., cases far less extreme than Weinstein's remarks.

One prominent criticism of Tosi's and Warmke's critique of grandstanding seems unfair. Philosopher Neil Levy, responding to an earlier paper on grandstanding by Tosi and Warmke, objects in an *Aeon* magazine essay (and later blog post) that "Tosi and Warmke offer no evidence for their claim that the primary, or the justifying, function of moral discourse is improvement in other people's beliefs or in the world. . . . Perhaps, in fact, virtue-signalling, or something like it, is a core function of moral discourses."

If virtue-signaling is a core function of moral discourse, then it can't be a perversion of moral discourse, Levy reasons. But although signaling one's positions can be useful, it's unlikely that signaling *for the sake of self-promotion* is an important function of moral discourse. If it were, grandstanders wouldn't take pains to disguise what they're doing. Usually they try to make it look like they're promoting some cause beyond their own status. Rarely does anyone simply announce: "Behold my righteousness!" Moreover, paradigmatic cases of grandstanding—again, like Weinstein's notorious remarks—really do seem like perversions of moral discourse.

Grandstanding might not be the final word on grandstanding, but as the first book-length treatment of a (sadly) current topic, it's undoubtedly a public service. NR

A Composer Who Matters

JAY NORDLINGER

OVER the years, I have interviewed many musicians, most of them performers, with a few composers sprinkled in. (On rare occasions, the interviewee is both: both performer and composer. "He rolls his own," I often say of such a person.) One of my usual questions is, "Are there living composers you admire?" Lowering the bar, I might say, "Are there composers today you consider worth hearing?"

A composer friend of mine hates it when I ask this question, understandably. Yet a great many people *ignore* contemporary music, leaving it undiscussed. At least I'm not guilty of *that*.

I have received various answers about living composers. Some people say, "Oh, yes, my goodness, I could list them all day." Some people—most people—offer a short, select list.

On one memorable occasion, I was doing a podcast with a famous pianist, and when I asked him about living composers, he looked at me with panic in his eyes. He mouthed something like, "I have no idea what to say." I moved quickly on.

For all these years, musicians have tended to name one composer, above all—one composer who stands tall and stands out: Krzysztof Penderecki, of Poland. Indeed, when I asked the late conductor Lorin Maazel about composers—and he was one himself—he said, immediately, "Penderecki." Then he paused a long while before adding a few more names.

Penderecki died earlier this year—March 29—at age 86. Was he, is he, great? William F. Buckley Jr. liked to quote Stravinsky to the effect that you can't tell about a composer until 50 years after his death. This is a commendable idea, but not necessarily true. Simply to pluck a name from the 20th century, it was obvious, virtually from the beginning, that Shostakovich was great.

And how about the composer of *The Firebird*, etc. (Stravinsky)?

Shostakovich died in 1975 (Stravinsky in '71). Is he the last great composer? Not the last great composer who will ever live, but our most recent great composer? Is Benjamin Britten, who died in 1976? Whether or not Krzysztof Penderecki is great, he is formidable, without doubt.

Penderecki was born on November 23, 1933. He grew up in Debica, a town in southeastern Poland. His father, Tadeusz, was a lawyer who also played the violin and the piano. Tadeusz was descended from German Protestants; one of Krzysztof's grandmothers was Armenian. "I'm quite a mix," he once said.

Debica was about half Jewish. The Pendereckis—who were not Jewish—lived on the border of the ghetto. Krzysztof learned to speak a little Yiddish. Those neighbors would soon disappear.

Krzysztof was five when the war came—when the Nazis invaded on September 1, 1939 (and the Soviets 16 days later). Some of his family members died in the war, including an uncle who was killed in the Katyn massacre.

The influence of the war—intensity, horror, darkness—can be heard in the music that Penderecki wrote for 70 or so years. He once quipped—though it was more than a quip—that if he had been born in New Zealand, his music would have turned out differently.

Originally, he wanted to be a violinist. I chatted with him about this once, after the premiere of *La Follia* (2013), a piece that Penderecki wrote for solo violin, which is to say, unaccompanied violin. That piece will be played by virtuosos for generations to come, I wager. In any case, Penderecki, as a young man, turned wholeheartedly to composition.

He had a thorough schooling in counterpoint and other old forms. Bach was a lodestar, and would ever hover in the background of Penderecki's life. I think of Christian Gottlob Neefe, the music master in Bonn—who gave young Beethoven the two books of *The Well-Tempered Clavier* and said, essentially, "This is it."

In March 1953, when Penderecki was just 19, something wonderful happened: Stalin died. The dictator's passing widened artistic possibilities in the Soviet Union and its bloc.

Later in the '50s, Penderecki heard electronic music, which fascinated and excited him. Going radical, he wanted new sounds, a new music. "All I'm interested in is liberating sound beyond all tradition," he said. The young man was at the forefront of the avant-garde—having instruments, such as his violin, make sounds they had never been asked to make before, and even inventing a new system of notation.

Penderecki's most famous piece from this period is for string orchestra—52 strings, to be precise: *Threnody for the Victims of Hiroshima*. It is an alarming, screaming, shocking piece. A lot of people took it politically, which is understandable. But Penderecki did not really mean it that way. In the late 1990s, he commented, "I don't write political music. Political music is immediately obsolete." The *Threnody* endures, he said, "because it is abstract music."

It has been used in movies and TV shows, such as *Children of Men* and *Twin Peaks*. Plenty of music by Penderecki has been used in movies and TV shows—in *The Exorcist*, for example, and *The Shining*.

In the mid 1960s, he wrote his *St. Luke Passion*, which was a curious combination, as it remains: oratorio meets avant-garde. Penderecki would never cease to write sacred music, including hymns, Masses—even a Kaddish.

But he would not write in the same style. Like Picasso—and Stravinsky, for that matter—Penderecki went through a variety of artistic periods. He often said that he wanted to be like Picasso rather than Chagall. The latter was a great artist, he said, but "was painting almost the same way for 50 years."

In due course, Penderecki turned his back on the avant-garde. It was spent, he said. It had become "more destructive than constructive." He often explained, "I did not want to be my own epigone": a weak imitator of himself, writing the *Threnody* over and over. He recaptured tradition, emphasizing form. "Respect your form," he advised.

Through the decades, he wrote for himself, primarily. Then for his fellow musicians, who would perform his music. Then for an audience (receptive, appreciative). And people wanted his music, turning to him for the big commission, the big event.

He was asked to write a piece for the 25th anniversary of the United Nations. And the bicentennial of the United States. And the 3,000th—3,000th!—anniversary of Jerusalem. And so on.

By the time he was finished, he had a great corpus of works, comprising four operas, eight symphonies, a dozen or so concertos, chamber music—the gamut. Penderecki also taught and lectured. He wrote essays. And he conducted (his own music). Bespectacled and bearded, he looked like an academic, and sometimes a prophet.

Krzysztof Penderecki, 1987

ULLSTEIN BILD/CONTRIBUTOR/GETTY IMAGES

Generally speaking, his music has both brains and emotion. It is intense, anxious, ominous—sometimes horrifying. I myself am sometimes puzzled by Penderecki's taste for the dark side.

Consider *The Dream of Jacob*, an orchestral piece from 1974 (commissioned by Prince Rainier of Monaco for his silver jubilee). It could be the score to a horror movie. Indeed, Stanley Kubrick borrowed it for *The Shining*. From Penderecki's pen, Jacob's marvelous dream—"in thee and in thy seed shall all the families of the earth be blessed"—sounds like a nightmare.

Whatever you or I may think, Penderecki had his own vision, all life through, and he was faithful to it, whatever it was at any given time. He never stopped writing. He wrote every day, "trying to find something inside me," as he said. He would sometimes stare at the empty piece of paper, thinking he could never fill it, that he had sung all his songs. Yet he managed.

He had at least one other interest, namely trees—"my second profession," he called it. At his country house in Poland, he had what he reckoned to be the largest arboretum in Eastern Europe: 17,000 species. "My grandfather taught me trees and the Latin names of trees when I was five or six. His father was a forester, so he knew them all."

Back in 2002, I interviewed Ned Rorem, the American composer born in 1923. When I arrived at his apartment, he asked what the weather was like outside. I said it was gloomy. "Good," he said, "I like it that way."

He would go on to remark, "We are living in the only period in history in which music of the past is stressed at the expense of music of the present." Intellectuals know about visual art, past and present, Rorem said. They know about literature, past and present. But if they know any music at all, it's pop music. "I and my brothers and sisters are not part of their ken."

And the general public? The public "has no notion of what it is we composers do. We're a despised minority. Actually, we're not even that, because we don't even exist, and to be despised, you have to exist."

That is gloomy for sure (though not necessarily wrong). Yet Krzysztof Penderecki has managed to break through, to a degree. One thing that may hinder his reputation, I think, is his name—and the inability of people outside Poland to pronounce it. Forget that first name, that "Christopher," that daunting collection of consonants. How about the last one? It's a little tricky: "Pender-ET-ski." **NR**

Garner the Grammarian

It Ain't a Word!

BRYAN A. GARNER

It's been a tumultuous few weeks in English-usage circles. People are upset over the question whether **irregardless* is a word. (My asterisk, as you may remember from earlier columns, marks it as nonstandard.) The widespread hand-wringing was precipitated by a jaunty online post by an editor at Merriam-Webster. She noted that **irregardless* (she didn't use the asterisk) is a recognized word. It's in the dictionary.

Linguistic amateurs exploded: They'd spent years disparaging **irregardless*. I received at least a dozen e-mails asking whether I was aware that **irregardless* had now been sanctioned in Merriam-Webster dictionaries. "What an outrage!" one correspondent said. Had I heard the NPR programs? Merriam-Webster editors had taken to the airwaves saying that **irregardless* really is a word! If my microcosm was an accurate reflection, there was apoplexy throughout the land.

But to a lexicographer, this all seemed like just a good publicity stunt.

Saying that **irregardless* is "not a word" is bootless. *Of course* it's a word. The lexicographers at the Oxford Dictionary Department have traced back its earliest appearance in print to 1912.

The Merriam-Webster folks say that "the most frequently repeated remark about [**irregardless*] is that 'there is no such word.'" But there is. It appeared in their dictionaries as far back as 1934, when *Webster's Second New International Dictionary* included it.

That 1934 entry included a tag: The word was considered an "erroneous or humorous" Americanism. In *Webster's Third* (1961)—known as the "permissive" *Webster's*—the usage tag was reduced to the more clinical "nonstandard."

No longer is the word labeled "erroneous," and apparently it has lost its sense of humor.

Yet the *Oxford English Dictionary*, in its current online entry, retains the idea of jocularity, saying it's "in nonstandard or humorous use."

Before 1934, people could say, "It's not in the dictionary! Have a look. It isn't a word." Of course, they were misunderstanding the purpose of a dictionary.

When I was a child in the 1960s, people asserted that **ain't* wasn't in the dictionary. But it was there—and it had been for decades. *Webster's Second*, dating from 1934, labeled **ain't* "dialectal or illiterate."

In 1961, a literary firestorm erupted when the usage tag for **ain't* was eliminated. *Webster's Third* went so far as to declare that **ain't* was "used orally in most parts of the U.S. by many cultivated speakers, especially in the phrase *ain't I*." When pressed for empirical evidence, editor in chief Philip B. Gove said, "Knowledge of some kinds of language behavior comes through contact with its observers and is not always documented because there seems to be no reason to collect additional evidence." Not much of an answer.

In 1962, an apt cartoon appeared in *The New Yorker*. A man stands at the reception area of Merriam-Webster, as the receptionist says to him, "Sorry. Dr. Gove ain't in."

To this day, there has been no *Webster's Fourth*. Many people have continued to grumble about the perceived permissiveness of *Webster's Third*. The most famous American to do so was my late co-author Justice Antonin Scalia, who swore by *Webster's Second* all his life.

There are two separate questions: (1) Should dictionaries record words that are widely stigmatized, essentially giving them legitimacy? (2) If these words are included, should usage tags indicate that they're barbarisms, solecisms, or blunders?

As to the first question, anybody who proclaims that something isn't a word is likely to be disappointed. Not always, mind you, but usually. Lexicographers will record *any term* that gains appreciable currency. No respectable lexicographer thinks they should do otherwise.

The better question is the second: Is it a *good* word? On this issue, the lexicographers are mostly agnostic (beyond *nonstandard*). They try to avoid those types of judgment calls. Hence the point becomes arguable, and you can try to carry the day. On the whole, the lexicographers don't pretend to say what level of education people have who use certain words.

So if you've been saying that certain terms are "not words," please cease and desist forthwith.

What you *can* say is that it's a *nonword*. Nonwords are words with no justifiable existence. The 19th-century commentator Richard Grant White said that nonwords are "usurpers, interlopers, or vulgar pretenders; some are deformed creatures, with only half a life in them; but some of them are legitimate enough in their pretensions, although oppressive, intolerable, useless." They linger on "the outskirts of society, uncertain of their position, and cause great discomfort to all right-thinking, straightforward people." White wrote that in 1870.

He was entirely comfortable stigmatizing words. Perhaps he even sparked the invention of the word *nonword*, which dates from the 1890s.

You want instances of nonwords? **Irregardless* is a prime example. It's an illegitimate combination of two quite respectable words: the synonyms *regardless* and *irrespective*. (You knew that, I trust. That's why I thought I needn't say it earlier.) It used to be thought that **enthused*, **preventative*, and **thusly* are nonwords—they still are, in some quarters—but words once thought spurious can rise in the world. Traditionalists will stick to *enthusiastic*, *preventive*, and *thus* (itself an adverb).

Other nonwords seem less likely to become widespread: **affrontery* (the word is *effrontery*), **fastly* (*fast* is an adverb), **inclimate* (as in weather, when the desired word is *inclement*), **inexpense* (supposedly meaning "reasonableness in price," as a back-formation from *inexpensive*), and **unmercilessly* (a cruel combination of *unmercifully* and *mercilessly*). No careful writer uses them.

If you think a word has no legitimate existence, just call it a *nonword*. If your interlocutor says, "But it's in the dictionary!" your response goes like this (please memorize): "Of course! The dictionary records all sorts of nonwords—words without valid existence. These used to be called illiteracies, but they can't say that anymore. I assure you it's a nonword. Look up *nonword*!" If you have the temerity, you might add: "And when it comes to nonwords, my own word is final." **NR**

Film

A Semi-Star Is Born

ROSS DOUTHAT

A PANDEMIC summer isn't a time for movie stars. Some big names have been shunted off into the post-COVID future, when presumably we'll get to see Gal Gadot play Wonder Woman once again or Daniel Craig's last go-round as James Bond. Others have taken the risk of seeing how their charisma wears in the toy-strewn discomfort of our living rooms: Is Tom Hanks still *Tom Hanks* if his World War II submarine movie *Greyhound* is playing only on your television, with the cries of unschooled kids as a soundtrack? I'm not brave enough to find out.

A pandemic summer is a good time, however, for actors one step down from true stardom. Suddenly the small movies they're headlining are the only game in town, and the supporting roles they play benefit from the egalitarianism of the smaller screen. And if the films they're headlining aren't that good—well, everybody's expectations are a little lower these days too.

All this occurred to me while watching two pandemic-summer releases on back-to-back nights, during a short two-family getaway to the shores of Lake Erie, and realizing midway through that our choices amounted to an accidental Dan Stevens film festival.

Stevens, for the uninitiated, was the leading man on *Downton Abbey* for its first three seasons, at which point he tired of playing the handsome Matthew Crawley and forced an exit from the show, which the writers delivered via a car-crash death scene that would have felt melodramatic in a 1970s-era soap opera.

Since then he's had an odd sort of career, with a few movie parts that seem star-like but aren't really—like the Beast in the Disney *Beauty and the Beast* remake, buried under horns and fur, or Charles Dickens in a forgettable movie about the writing of *A Christmas Carol*—plus a bunch of stranger roles in genre fare, horror and action especially, to complement his return to TV as the lead of FX's weird superhero drama *Legion*. This bundle of parts makes him a good example of a not-quite-star—an actor whose face you recognize but whose name eludes you, who works a lot without quite distilling the alchemy of fame.

Dan Stevens in Eurovision Song Contest: The Story of Fire Saga

NETFLIX

And now you can stream him on your TV or device twice over, and decide if he should be considered a star in full.

In *Eurovision Song Contest: The Story of Fire Saga*, a broad Will Ferrell vehicle about an Icelandic-singer couple and their dream of Eurovision glory, Stevens plays the hero's foil, a sexually ambiguous Russian singer named Alexander Lemtov who tries to woo Rachel McAdams's Sigrit away from Ferrell's Lars. The movie elevates a stock Ferrell man-child plot with some cheerful Icelandic nonsense and a lot of power ballads, but it's mostly notable for the way a vamping, gleaming-eyed Stevens swipes the movie out from under its official star.

The experience has exactly the feel of a baseball game where a famous athlete seems past his prime and a younger player shows him up. Ferrell's shtick is exceedingly familiar, and as a love interest for the reliably terrific McAdams he seems not just too blundering and immature, as the script requires, but also just too old. Meanwhile the movie gains a different kind of life whenever Stevens is on screen: Where the star seems bloated and decrepit, the supporting player is lean and hungry—in the most appropriately ridiculous of ways.

Fire Saga played the first night of my Stevens festival, while the second night featured a horror-loving housemate's choice: *The Rental*, a slasher movie directed by Dave Franco, brother of the more famous James, about an Airbnb rental gone terribly wrong that we watched (while our kids slept, don't worry) in a literal Airbnb. In this smaller film Stevens plays the lead—Charlie, a somewhat skeevy, married start-up honcho who celebrates a looming funding breakthrough by renting an isolated cliffside Pacific manse for the weekend. The trip is a double date, with his wife (Alison Brie), his business partner (Sheila Vand), and her boyfriend (Jeremy Allen White), who is also Charlie's ex-con, Lyft-driving brother.

The first two thirds of the foursome's story exceeded my expectations, mostly by keeping any sense of external menace—embodied first by a possibly racist rental manager and then by the discovery of hidden cameras in the house—at arm's length and focusing on the internal dynamics of the couples, the adulterous undercurrent that soon rises to the surface. There's a brief period where a seemingly accidental death tilts *The Rental* toward black comedy, and I wish it had kept on tilting. Instead the movie lurches toward the most predictable sort of horror-movie denouement, with a bad guy who seems to exist mostly to be developed more fully in some future sequel.

It's not much of a spoiler to say that Stevens's character won't be around for *The Rental 2*, but in this one he's well cast, and in viewing it together with *Fire Saga* you can see what makes his career as a semi-star so interesting and unexpected. If you watched him just in *Downton Abbey*, you would have said that he was a little too square and decent and dull to be a leading man outside PBS Edwardiana. But in his post-*Downton* career, it's rather the opposite: He might be a little too peculiar, off-kilter, vulpine, and intense to be a star of the first rank.

But maybe what he's become is enough: not a movie star, but a genuinely interesting and entertaining movie *actor*. **NR**

Happy Warrior

BY HEATHER WILHELM

Zen and the Art of Mask Maintenance

LAST summer, just a smidgen more than a year ago—months before COVID-19 was even a twinkle in the universe's eye—supermodel Naomi Campbell unveiled a YouTube video that was nothing short of prophetic. Like many great soothsayers, Campbell faced an almost immediate storm of incredulity, scorn, and mockery, at least at first. Today, one can only marvel at her foresight.

In the July 2019 video, which has since racked up more than 3 million views, the fashion legend blithely detailed how she thoroughly degerms her airplane seat and surroundings before each and every flight. The U.K. *Guardian*, agog at the absurdity of wiping down your tray table, smirked at "Naomi Campbell's extreme inflight hygiene routine." CNN described the ritual—in which Campbell engages in wild and crazy activities such as cleaning her seat with disinfecting wipes and wearing a surgical mask in-flight—as "amazing" and "wonderfully bizarre." Social-media users from around the globe scoffed and yukked it up, dismissing the model's disinfection obsession as basic diva-level hypochondria.

Well. Here we are, one very long year later. Who's laughing now? Not Ms. Campbell, who recently ratcheted up her personal flight-safety requirements to include a full hazmat suit, goggles, and face shield. Masks are largely required on flights, and thanks to the glories of capitalism, a Toronto company recently developed COVID-era astronaut-style anti-germ suits, selling them to nervous flyers at $250 a pop. Meanwhile, every time I try to do an extremely essential task, like panic-buying a pair of impractical shoes to wear to all the nonexistent, already-canceled events that I don't have scheduled for this fall, I'm bombarded with ads for rainbow-hued, often bedazzled, "non-medical grade" fashion masks.

I'll keep it real: I don't really mind wearing a mask. I've been wearing them all summer, and so have my kids, and the world hasn't ended—at least not yet! (2020's not over, after all. Give it time.) Not everyone, however, is thrilled with the mask-wearing craze. Just last week, two passengers on a Delta flight from Detroit to Atlanta staged a revolt of sorts, both refusing to wear a mask on an airline that requires them. It did not go well. The flight returned to the gate, the rebellion fizzled out, and the scofflaws were booted off the plane. The rest of the passengers, I suspect, were not pleased.

I am not here to debate the constitutionality of various local mask orders across the country. I am not here to defend the government and media's tragicomic messaging when it comes to masks: Remember back in March, when we were actively encouraged *not* to wear them? I am also certainly not here to approve of the feverish spike in public mask-shaming, exemplified by viral videos in which people film perfect strangers yelling at other perfect strangers about whether or not they are wearing a mask. (As a side note, can we stop shaming strangers via viral videos? It's getting creepy. But that's another column.)

I am here, however, to suggest that voluntarily wearing a mask in public is nothing to freak out about, and for the time being, it's simply the polite and often correct thing to do. Picture this entirely realistic scenario: You are waiting in line at the wine store. ("Oh, man," you're probably chortling to yourself. "These days, I'm there all the time!") Anyway, visualize a random bloke behind you who suddenly lets out a hacking cough so strong it almost blows the Chardonnay out of your arms, sending the respiratory droplets that can spread COVID-19 all over the room. Terrifying, right? It's markedly less terrifying if you're both wearing masks. "A mask," as my sixth-grade son recently pointed out, "is like a dish for your saliva droplets that's tied to your face!" And they say science is dead.

I've spent much of the summer in Colorado, where in many towns, masks are de rigueur—and guess what? It's almost like things are back to normal, except people are wearing masks in stores, or when they can't properly distance themselves from strangers. This is weird, I know. But it's really not that bad. Also, for all the hand-wringing I've witnessed about how forcing kids to wear masks robs them of their childhood or traumatizes them deeply or will inevitably shape them to grow up into soulless masked Batman villains, well, no. My kids happily wore masks all summer, because they knew that would allow them to go into the toy store or venture out to the fro-yo stand or ride the gondola over and over and over again. They truly did not give a rip.

Of course, masks are not fail-safe, and they do have downsides. Some people don't seem to know how to wear them, letting their nostrils fly free while breathing heavily over the baked goods in the grocery store. Then there was the time when my youngest child dropped his mask on the ground, stepped on it with a muddy shoe, and then promptly and proudly put it right back on his face. Another time, leaving a restaurant after a particularly lovely outdoor dinner—mask-free at the table, masked on entrance and exit—I noticed strange and unsightly bulges protruding from my middle son's mask. "It's like a pouch!" he beamed. "I can take a few extra French fries to go!"

Regardless of how you feel, I suspect we can all at least agree on the true bad guys of Covidtide: the people who discard their used, germy disposable masks on the ground. Gross! But then again, it's hard to beat the people who take the time to bag up their dog's doggie doo but then leave it in a plastic bag on a nature trail, so that nothing could disintegrate if it wanted to. This truly blows my mind. Anyway, consider wearing a mask. At the very least you can smuggle out some French fries next time you go out to eat. **NR**

Government Melts Over 270 Million Silver Dollars

But collectors get an unexpected second chance

LOW AS
$33.95
each
E PLURIBUS UNUM
LIBERTY
1921
UNITED STATES OF AMERICA
In God We Trust
ONE DOLLAR

Actual size is 38.1 mm

It's a ***crime.***

Most Americans living today have never held a hefty, gleaming U.S. silver dollar in their hands.

Where did they go? Well, in 1918, to provide aid to the British during WWI, the U.S. government melted down nearly half of the entire mintage—over 270 million silver dollars. If all those missing silver dollars could be stacked, they would tower over 400 miles into the sky! If laid in a chain, they would span 6,400 miles—enough to stretch from New York to Los Angeles more than 2½ times!

These vanished coins were not just any silver dollar–they were America's largest circulated coin, the beloved Morgan Silver Dollar. Each Morgan Dollar is struck from nearly an ounce of 90% fine silver and measures a massive 38.1mm in diameter. Morgan Silver Dollars were the engine of the American dream for decades. Created by famed American coin designer, George T. Morgan, they feature Lady Liberty's radiant profile and a majestic eagle, symbols of American strength and prosperity. Since their inception in 1878, they jingled in the pockets of famous and infamous Americans like John D. Rockefeller and Teddy Roosevelt, and desperadoes Jesse James and Al Capone. Today, Morgan Silver Dollars are one of the most collected coins in America.

Lady Liberty takes a Final Bow

Just three years after the massive meltdown, the government gave the Morgan Silver Dollar a final chance to shine. In 1921, facing a serious shortage, the mint struck Morgan Silver Dollars for one more brief, historic year. Today, the last-ever 1921 Morgan Silver Dollar belongs in the hands of collectors, history buffs, or anyone who values the artistry and legacy of this American classic.

A Never-Ending Hunt for Collector Quality

Millions *more* silver dollars were melted over the past ninety years and today, private hoards account for virtually all the surviving Morgan Silver Dollars. We should know—we're constantly on the hunt for these historic Silver Dollars, and jump at the chance to secure coins in collector-worthy condition. And what luck—we've managed to locate more than a thousand 1921 Morgan Silver Dollars, all in fantastic Extremely Fine (XF) condition. These coins actually circulated in American commerce nearly 100 years ago!

Saved from Destruction, but Bound for Extinction

It's been estimated that as few as 15% of all the Morgan Dollars ever minted have survived to the present day. And the number grows smaller with each passing year. The 1921 Morgan Silver Dollar is the last of its kind. But you can get one now before they're only a memory. Your chance to own this legend won't last long, so get yours today—and at a fantastic value!

Don't Miss Out on this Incredible Low Price Offer

Today, you can secure your very own 1921 Morgan Silver Dollar—the last Morgan Silver Dollar ever struck—for the incredibly low price of just $34.95 each! Plus, you can buy with complete confidence. If you aren't completely satisfied with your Morgan Silver Dollars, you can return your coins within 30-days for a full refund (less s/h). So don't wait—order your 1921 Morgan Silver Dollars today!

1921 Last Morgan Silver Dollar

1-4	$34.95 ea. + *s/h*
5-9	$34.45 ea. + *s/h*
10+	$33.95 ea. **FREE SHIPPING**

BUY MORE AND SAVE!

FREE SHIPPING on 5 or More!

Limited time only. Product total over $149 before taxes (if any). Standard domestic shipping only. Not valid on previous purchases.

Call today toll-free for fastest service

1-800-973-9208

Offer Code MDS168-12
Please mention this code when you call

GovMint.com • 14101 Southcross Dr. W., Suite 175, Dept. MDS168-12, Burnsville, MN 55337

GovMint.com® is a retail distributor of coin and currency issues and is not affiliated with the U.S. government. The collectible coin market is unregulated, highly speculative and involves risk. GovMint.com reserves the right to decline to consummate any sale, within its discretion, including due to pricing errors. Prices, facts, figures and populations deemed accurate as of the date of publication but may change significantly over time. All purchases are expressly conditioned upon your acceptance of GovMint.com's Terms and Conditions (www.govmint.com/terms-conditions or call 1-800-721-0320); to decline, return your purchase pursuant to GovMint.com's Return Policy. © 2020 GovMint.com. All rights reserved.

GOVMINT.COM®

THE BEST SOURCE FOR COINS WORLDWIDE™

Facebook supports updated internet regulations

We continue to take critical steps to better secure our platforms, including more than tripling our security and safety teams to 35,000 people and partnering with security researchers, other tech companies, and law enforcement.

What's next? We support updated regulations that will address today's challenges, set clear rules and hold companies, including Facebook, accountable for:

- Combating foreign election interference
- Protecting people’s privacy and data
- Enabling safe and easy data portability between platforms

Read our proposal at: **about.fb.com/regulation**

FACEBOOK